

Committee on Children JOINT FAVORABLE REPORT

Bill No.: HB-5243

Title: AN ACT CONCERNING ADULT SEXUAL MISCONDUCT.

Vote Date: 3/15/2022

Vote Action: Joint Favorable Substitute

PH Date: 3/1/2022

File No.:

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SPONSORS OF BILL:

Committee on Children

COSPONSORS OF BILL:

Rep. Mitch Bolinsky

Sen. Saud Anwar

REASONS FOR BILL:

H.B. 5243 will protect children from sexual misconduct perpetrated by adults, particularly adults employed at schools or in academic programs. This bill aims to address gaps through which predatory adults have avoided prosecution for their behavior by moving to a different school or institution before charges are pressed.

5243 implements safeguards through assessment tools (survey), prevention training and establishing safe hiring practices. It incentivizes timely reporting by mandated reporters by extending the statute of limitations for prosecution for failure to act to 3 years.

DPH shall administer the Connecticut School Health Survey (option to revoke consent) including questions designed to assess the risk of youths becoming victims of sexual assault or misconduct by an adult. According to the results of this survey, DCF shall provide training and resources to the school. School employees shall complete bystander training.

The Department of Education and the Office of Early Childhood will develop a screening checklist for the purpose of hiring prospective employees in order to vet applicants who have prior reported incidents of sexual misconduct and to prevent those individuals from interacting from students at all. This bill makes such training programs available to youth-serving and religious organizations, to ensure that children in all educational settings are protected from adult sexual misconduct.

RESPONSE FROM ADMINISTRATION/AGENCY:

Beth Bye, Commissioner of Office of Early Childhood, supports the bill with recommended changes. OEC suggests that as indicated in Section 10, childcare programs would be responsible for the investigation of child abuse and neglect allegations when it is a statutory responsibility of DCF. OEC also states that the time restriction of 12 hours for mandated reporters to report abuse may not be practical or possible as there is a realistic possibility of delay. OEC also highlights the importance of clear language in the statute to not absolve schools or childcare programs from their responsibilities as mandated reporters. OEC and DCF are in alignment concerning these proposed changes to Section 10. In reference to Section 13, OEC states that the intent and scope of the intended checklist for prospective employee screening is unclear.

Manisha Juthani, Commissioner of Connecticut Department of Public Health, supports the bill with recommended changes. In section 1, they state that increasing participation in the survey will positively impact health equity and identify health disparities across genders, races, Hispanic ethnicity, and sexual minorities. In section 2, they state that questions cannot be added to the YRBS because it falls outside of the CDC Cooperative Agreement guidelines. In section 4, they identify that school-level responses would violate the terms of the Cooperative Agreement and jeopardize the funding for the survey altogether, which will ultimately hinder assist survivors of sexual assault and misconduct.

Vanessa Dorantes, Commissioner of the Department of Children and Families supports the bill with recommended changes. In sections 4-6 of the bill, instead of DCF and SDE providing the training to school staff, teachers, and administrators, DCF wishes to work in collaboration with SDE and the Department of Emergency Services and Public Protection to further enhance mandated reporter training modules. In section 8, DCF wishes for further discussions regarding the intent of the legislation that permits SDE to revoke, suspend or place on probation a person for substantiated allegation. In section 10, DCF is concerned that the language regarding developing a protocol and checklist for investigations would shift investigation responsibility to schools or childcare providers.

Sarah Healy Eagan, Child Advocate from Office of the Child Advocate, supports the bill with recommended changes. Training regarding Adult Sexual Misconduct with students be "mandatory for all school personnel who have direct contacts with students". Training should specifically address the unique risks and vulnerabilities for children with disabilities. OCA also recommends establishing a framework for information-sharing, transparency and accountability for investigative findings regarding child abuse and neglect in schools.

Charlene Russell-Tucker, Commissioner Designate of the State Department of Education, opposes this bill because they do not agree with making this survey a mandatory collection but rather continuing to work with the districts selected by the CDC. State Department of Education states that section 4 outlines requirements that are already required under Section 17a-101q of the Connecticut General Statutes. In section 7, State Department of Education opposes that mandated reporters could be exempt from prosecution. In section 10&11, State Department of Education opposes the fact that there could be multiple investigations. In

section 13, State Department of Education cannot impose additional screening tools on districts when hiring is solely a local district decision.

NATURE AND SOURCES OF SUPPORT:

Adrienne R. DeLuca, Legal Counsel for Connecticut Education Association, supports the bill with recommended changes. In sections 1 and 3 of the bill, CEA is concerned that parents could "opt-out" of the survey, leading to unrepresentative results. They also disagree with the survey being administered anonymously, because it is incongruous that reporting of such abuses would be met only with training. In sections 4 and 5, CEA wants to know who the results of the survey will be disclosed to and wants clarification on the term "bystander training." In section 7, CEA suggests removal of a teaching license for up to 3 years is unnecessary and extremely punitive. In section 8, CEA states that revoking or suspending a teaching certification is unnecessary because it ends innocent people's careers without due process. In sections 10 and 11, CEA recommends the removal of the mandatory language to retain the ability to permit DCF to take jurisdiction.

Bethany Hamilton, Executive Director of CT Alliance to End Sexual Violence supports the bill with recommended changes. They urge to consider the scope of the questions as proposed in the bill, not to focus solely on sexual assault or misconduct by an adult, but extending the scope to youths experiencing sexual violence perpetrated by peers or near-peers. This testimony also encouraged committee members to consider the "Statewide K-12 Sexual Assault & Abuse Prevention & Awareness Program Guidelines (2016)."

Dr. Glenn Lungarini, Executive Director of CAS CIAC, supports the bill because it proactively addresses sexual misconduct through ongoing education for public school employees and interscholastic athletic coaches.

Zachary McKeown, Senior Legislative Associate of CT Conference of Municipalities, supports the bill because CCM has zero tolerance for substantiated allegations of sexual misconduct, and is supportive of suspending educator's teaching license.

Krystal Rich, Executive Director of Connecticut Children's Alliance, supports the bill with recommended changes. In section 1-3, the CCA believes that the questions on the survey should more accurately capture experience those who have been victimized. In section 4, CCA suggests convening a working group charged with reviewing the successes and challenges of the existing 2016 Sexual Assault and Abuse Prevention and Awareness Program Guidelines. In Section 5, they request that if training is developed for coaches on these topics, the work be done in collaboration with the task force to ensure consistency. In section 10, CCA expresses concern about multiple investigations being conducted simultaneously.

David Acquaaah-Mensah, Pia Baldwin Edwards, Saskia Braden, Maia Cook, Roxana Grunenwald, Josh Guo, Tione Hoeckner, Evelyn Letona Robles, Yaz Liow, Bradley Nowacek, Ted Shepard, Brook Smith, and Julia Sulkowski strongly support the bill through written testimony. These residents of New Haven believe that by setting standards for investigating

abuse and potential abusers and removing offenders from the school system entirely, sexual misconduct would be prevented before it even occurs.

NATURE AND SOURCES OF OPPOSITION:

Melani Dykas, Division of Criminal Justice, takes no position on the majority of the bill, but raises concerns regarding language 10 which may have unintended consequences. They expressed concern the language could enable boards of education or childcare service providers to conduct their own investigation, which would interfere with the statutory investigation conducted by DCF.

Reported by: Molly Lukiwsky, Jean Rienzo

Date: 3/21/2022