



PA 22-87—sHB 5243
Committee on Children

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

SUMMARY: This act makes various changes in laws about adult sexual misconduct against students and related matters.

The act 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. It requires the State Department of Education (SDE), in consultation with DPH, to develop a uniform parent notification policy and form related to the survey (§§ 1-3).

The act also allows the Department of Children and Families (DCF), starting July 1, 2023, to include bystander training and appropriate interaction with children training programs in its statewide sexual abuse and assault awareness and prevention program's instructional modules. The act extends these instructional modules to all school employees, starting in the 2023-24 school year. It also requires DCF to make certain related materials available to youth-serving and religious organizations upon their request (§§ 6 & 7).

The act generally requires each local and regional board of education to annually distribute its mandated reporter policy electronically to all school employees. It also requires these boards to annually distribute electronically to all school employees, board members, and enrolled students' parents and guardians (1) guidelines on identifying and reporting child sexual abuse, starting in the 2022-23 school year, and (2) information on DCF's sexual abuse and assault awareness and prevention program, starting in the 2023-24 school year (§ 5).

Starting July 1, 2023, the act also requires school employees to complete training every three years on the (1) prevention and identification of, and response to, child sexual abuse and assault and (2) bystander and appropriate interaction with children training programs (§ 5).

The act expands the list of mandated reporters to include paid youth camp staff members age 21 or older (§ 4).

It establishes a task force to study the sexual abuse and exploitation of children on the internet or facilitated by in-state internet users from 2019 through 2021 (§ 8).

Lastly, it expands the state's address confidentiality program by allowing victims of kidnapping, trafficking, or substantiated child abuse or children who are subjects of parental termination orders to participate (§§ 9-11).

EFFECTIVE DATE: July 1, 2022, except the provisions (1) on SDE's parent notification policy and form (§ 3) and the child abuse and exploitation task force (§

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8) are effective upon passage and (2) expanding the list of mandated reporters (§ 4) are effective October 1, 2022.

§§ 1-3 — CONNECTICUT SCHOOL HEALTH SURVEY

The act requires 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 it.

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

Additional Survey Questions (§§ 1 & 2)

The act allows DPH to develop additional survey questions 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 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 act requires DPH to provide boards of education with guidelines on administering the survey, and the boards must do so according to these guidelines.

Under the act, the guidelines must include the following:

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

SDE Uniform Parent Notification Policy and Form (§ 3)

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

Under the act, 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.

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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.

§ 4 — 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 act expands the list of mandated reporters to include paid youth camp staff members age 21 or older. Paid youth camp directors and paid assistant directors are already mandated reporters under existing law.

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.

§ 5 — BOARD OF EDUCATION POLICIES ON REPORTING CHILD ABUSE AND NEGLECT

Policy Distribution

By law, each board of education must adopt a written policy for the mandatory reporting of suspected child abuse or neglect by school employees. (“School employee” has the same meaning as under § 6 above.)

Under existing law, the policy must be distributed annually to all school employees employed by the board. The act requires that this annual distribution be done electronically.

Starting with the 2022-23 school year, the act requires each local and regional school board to distribute a copy of the guidelines on identifying and reporting child sexual abuse developed by the governor’s task force on justice for abused children. It must be distributed electronically to all school employees, board members, and the parents and guardians of students enrolled in the schools under the board’s jurisdiction.

Starting with the 2023-24 school year, the act requires each board of education to distribute information on DCF’s sexual abuse and assault awareness and prevention program electronically to all school employees, board members, and enrolled students’ parents and guardians (see § 6 above).

School Employee Training

Starting on July 1, 2023, the act requires each school employee employed by a board of education to complete the following:

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1. training on preventing, identifying, and responding to child sexual abuse and assault;
2. the bystander training program; and
3. the appropriate interaction with children training program.

Under the act, each school employee must repeat the training at least once every three years.

§ 6 — STATEWIDE SEXUAL ABUSE AND ASSAULT AWARENESS AND PREVENTION PROGRAM

By law, DCF, in collaboration with SDE and the Connecticut Alliance to End Sexual Violence or a similar entity, must identify or develop a statewide sexual abuse and assault awareness and prevention program for boards of education to use. DCF must update the program in accordance with the act by July 1, 2023, and school boards must implement it by the 2023-24 school year.

Under prior law, the program had to include instructional modules for teachers that included (1) training on preventing, identifying, and responding to child sexual abuse and assault and (2) resources to further student, teacher, and parental awareness about child sexual abuse and assault and their prevention.

Under the act, starting July 1, 2023, these instructional modules (1) must be for all school employees, not only teachers, and (2) must include a bystander training program and an appropriate interaction with children training program.

Under the act, a “school employee” is defined as follows:

1. a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, school counselor, psychologist, social worker, nurse, physician, school paraprofessional, or coach (a) employed by a board of education or a private elementary, middle, or high school or (b) 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 board of education or private school’s supervisory agent.

§ 7 — DCF MATERIALS TO CERTAIN ORGANIZATIONS

Starting July 1, 2023, the act requires DCF to make available, upon request of a youth-serving organization or religious organization, any materials relating to the training for the (1) preventing, identifying, and responding to child sexual abuse and assault; (2) bystander program; and (3) appropriate interaction with children program.

§ 8 — TASK FORCE ON CHILD SEXUAL ABUSE AND EXPLOITATION

Purpose

The act establishes a nine-member task force to study the sexual abuse and

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exploitation of children on the internet, or facilitated by internet users in the state, from January 1, 2019, through December 31, 2021.

The study must examine (1) the types and frequency of this abuse and exploitation, (2) grooming tactics used by adults to engage in this abuse and exploitation, and (3) any barriers that may prevent the adequate or timely investigation or prosecution of this abuse and exploitation.

Members and Appointments

The task force includes the following members:

1. one member of the Trafficking in Persons Council, appointed by the House speaker;
2. one person with expertise in prosecuting child sexual abuse and exploitation originating online, appointed by the Senate president pro tempore;
3. one representative of a nonprofit organization that raises awareness of online child sex abuse and exploitation, appointed by the House majority leader;
4. one person with expertise in data and behavioral trends concerning child sexual abuse and exploitation, appointed by the Senate majority leader;
5. one representative of the Connecticut Police Chiefs Association, appointed by the House minority leader;
6. one representative of the Alliance to End Sexual Violence, appointed by the Senate minority leader;
7. the DCF and Department of Emergency Services and Public Protection commissioners, or their designees; and
8. the chief state's attorney or his designee.

All initial appointments must be made by June 23, 2022, and any vacancy must be filled by the appointing authority.

The Children's Committee's chairpersons must select the task force's chairperson from among its members. The task force chairperson must schedule the first task force meeting to be held by July 23, 2022.

The Children's Committee's staff must serve as the task force's administrative staff.

Reporting and Termination

The task force must report its findings and recommendations to the Children's Committee by January 1, 2023. The report must include the following:

1. the number of allegations of this abuse and exploitation reported to law enforcement;
2. the number of these reports that resulted in arrest and the number that resulted in prosecution; and
3. to the extent the task force can determine, the reasons why certain allegations were not prosecuted.

The report must not contain personally identifying information about victims of child sexual abuse or exploitation.

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The task force terminates when it submits the report on January 1, 2023, whichever is later.

§§ 9-11 — ADDRESS CONFIDENTIALITY PROGRAM

By law, the address confidentiality program, administered by the secretary of the state (SOTS), allows certain victims to receive a substitute mailing address to keep their residential address confidential due to safety concerns (see BACKGROUND).

The act expands the program by allowing the following individuals to participate:

1. victims of (a) 1st or 2nd degree kidnapping, (b) 1st or 2nd degree kidnapping with a firearm, or (c) human trafficking;
2. victims of child abuse that was substantiated by DCF and the basis for issuing a restraining order or civil protection order; and
3. children who are the subject of petitions to terminate parental rights granted by the court.

By law, victims of family violence; injury or risk of injury to a child; 1st, 2nd, 3rd, or 4th degree sexual assault; 1st degree aggravated sexual assault; 3rd degree sexual assault with a firearm; sexual assault in a spousal or cohabiting relationship (prior to October 1, 2019); or 1st, 2nd, or 3rd degree stalking are already allowed to participate in the program.

Under the act, SOTS must certify an application from any of the above people if it is filed on the prescribed form and includes a statement made under penalty of false statement that the person, or the person on whose behalf the application is filed, is such a victim or child and fears for his or her safety or that of any children living in the home.

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.

Address Confidentiality Program

By law, once an applicant to the address confidentiality program is certified by SOTS, he or she receives a substitute address. SOTS, as the participant's legal agent, receives any mail and service of process sent to that substitute address and forwards it to the participant's confidential address free-of-charge.

Participants may generally have (1) their street address omitted from voter

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registries, (2) correspondence from state agencies sent to their substitute address, and (3) their marriage records kept confidential. Participants may renew their certification every four years. SOTS may cancel a participant's certification under certain circumstances, but the participants may reapply at any time (CGS § 54-240 et seq. and Conn. Agencies Regs. § 54-240a-1 et seq.).