
OLR Bill Analysis

sSB 381

AN ACT CONCERNING REVISIONS TO THE MANDATED REPORTER REQUIREMENTS.

SUMMARY

This bill makes several changes affecting mandated reporters of child abuse and neglect. It allows mandated reporters to conduct a preliminary inquiry to determine if reasonable cause exists for a report and specifies that these inquiries do not constitute an investigation by a local or regional board of education.

Additionally, existing law grants immunity from civil or criminal liability to persons, institutions, and agencies that, in good faith, report suspected child abuse or neglect or alleged sexual assault of a student to the Department of Children and Families (DCF) or law enforcement as required or permitted by law. The bill extends this immunity to persons, institutions, and agencies that, in good faith, do not make such a report (§ 2).

The bill also requires the DCF commissioner to assess mandated reporters' failure to report within timeframes required by law, rather than investigate delayed reports as current law requires. Relatedly, it requires the department to make a record of a failure to report by any mandated reporter, rather than only those mandated reporters employed by school boards as current law requires.

Separately, the bill excludes, from the information that must be disclosed by school employment applicants' previous employers, information about a substantiated abuse or neglect or sexual misconduct allegation if the substantiation was reversed in an appeal to DCF. It adds students in nonpublic schools to the list of students for whom the school employee-specific mandated reporter provisions apply and requires DCF to update its training program and refresher

training for school employees.

The bill also makes technical and conforming changes. Among other things, it reorganizes certain provisions on penalties for failing to make a report so that they appear in one statute rather than in two separate statutes (§§ 1, 4-7 & 9, see BACKGROUND).

EFFECTIVE DATE: July 1, 2024, except that the DCF training provision is effective upon passage.

§§ 1 & 10 — MANDATED REPORTERS

Preliminary Inquiry (§§ 1 & 10)

The law designates certain professionals (e.g., school employees, health professionals, and coaches) as mandated reporters of child abuse and neglect. Generally, they must report to DCF or law enforcement within prescribed timeframes when, in the ordinary course of their employment or profession, they have reasonable cause to suspect or believe that a child (1) has been abused or neglected, (2) has an injury that is at variance with its given history, or (3) is at imminent risk of physical harm.

Under existing law, a mandated reporter's suspicion or belief does not require certainty or probable cause and may be based on, among other things, allegations, observations, facts, or statements by a child, victim, or third party. The bill specifies that (1) the mandated reporter law does not prohibit mandated reporters from making a preliminary inquiry to determine if reasonable cause exists for a report and (2) this inquiry is not an abuse or neglect investigation by a school board. (Generally, the law requires school boards to investigate abuse and neglect allegations but requires them to allow and give priority to any investigation by DCF or a law enforcement agency.) The bill also requires DCF to develop training on how to conduct preliminary inquiries (see § 11 – DCF TRAINING below).

School Employees (§ 1)

The law requires a school employee (see BACKGROUND) to report to DCF if he or she, in the ordinary course of his or her employment or

profession, has reasonable cause to suspect or believe that a student enrolled in a technical high school or a school under the local or regional board of education's jurisdiction (other than an adult education program) is a victim of any of the following crimes committed by a school employee: 1st, 2nd, 3rd, or 4th degree sexual assault; 1st degree aggravated sexual assault; or 3rd degree sexual assault with a firearm.

The bill extends this requirement to situations where the alleged victim is a student in a nonpublic school.

§ 4 — FAILURE TO REPORT

Current law requires the DCF commissioner to investigate delayed reports by mandated reporters following a policy the department must develop. The bill instead requires the commissioner, following the department's policy, to assess mandated reporters' failure to make reports within the time period prescribed by law. It also makes conforming changes (e.g., the department's policy must cover assessments instead of investigations).

Relatedly, the bill requires DCF to make a record of mandated reporters' failure to report within the required timeframe, rather than a record of a delayed report as current law requires. It also expands this requirement to cover all mandated reporters, rather than only those employed by a school board as current law requires.

§ 8 — EMPLOYMENT HISTORY REVIEWS

The law requires school boards, charter school governing councils, magnet school operators, and supervisory agents of nonpublic schools to review an applicant's employment history before offering employment (including contract employment) if the applicant would have direct student contact. As part of this review, these entities must send the applicants' previous employers a State Department of Education-developed form that asks, among other things, if the employer has knowledge of the following:

1. a substantiated allegation against the applicant of abuse or neglect or sexual misconduct;

2. whether the applicant resigned, was asked to resign, otherwise separated from employment, or was disciplined because of a substantiated allegation of these acts; or
3. whether the applicant surrendered a professional or occupational license, certificate, authorization, or permit, or had it suspended or revoked, because of a substantiated allegation of these acts.

The bill narrows the scope of this review to exclude substantiated allegations that were reversed in an appeal to DCF (i.e., appeals of a DCF determination that an individual should be placed on the state's child abuse and neglect registry).

§ 11 — DCF TRAINING

The law requires DCF to develop a training program and refresher training for mandated reporters on accurately and promptly identifying and reporting child abuse and neglect. The bill requires DCF, by October 1, 2024, to update the training and refresher programs to include training for school employees on (1) properly conducting a preliminary inquiry (see above) and (2) DCF's Careline and investigations by the department and school boards.

Under existing law, school employees hired by a school board must be required to complete the training program. They must then complete the refresher training every three years (CGS § 17a-101i(g)).

BACKGROUND

Mandated Reporting Deadlines and Penalties

By law, mandated reporters must make oral or electronic reports to DCF or a law enforcement agency as soon as practicable but no later than 12 hours after the reporter has reasonable cause to suspect abuse or neglect and, for oral reports, must follow up with a written report within 48 hours (CGS §§ 17a-101b & -101c).

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. 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.

School Employees

The law defines a “school employee” 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 (CGS § 53a-65).

COMMITTEE ACTION

Education Committee

Joint Favorable Substitute Change of Reference - APP
Yea 28 Nay 13 (03/20/2024)

Appropriations Committee

Joint Favorable Substitute
Yea 52 Nay 0 (04/04/2024)