



Senate

General Assembly

File No. 572

February Session, 2024

Substitute Senate Bill No. 381

Senate, April 22, 2024

The Committee on Appropriations reported through SEN. OSTEN of the 19th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING REVISIONS TO THE MANDATED REPORTER REQUIREMENTS.

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

1 Section 1. Section 17a-101a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2024*):

3 (a) (1) Any mandated reporter, as described in section 17a-101, who
4 in the ordinary course of such person's employment or profession has
5 reasonable cause to suspect or believe that any child under the age of
6 eighteen years (A) has been abused or neglected, as described in section
7 46b-120, (B) has had nonaccidental physical injury, or injury which is at
8 variance with the history given of such injury, inflicted upon such child,
9 or (C) is placed at imminent risk of serious harm, or (2) any school
10 employee, as defined in section 53a-65, who in the ordinary course of
11 such person's employment or profession has reasonable cause to suspect
12 or believe that any person who is being educated by the Technical
13 Education and Career System, [or] a local or regional board of
14 education, other than as part of an adult education program, or a

15 nonpublic school, is a victim under the provisions of section 53a-70, 53a-
16 70a, 53a-71, 53a-72a, 53a-72b or 53a-73a, and the perpetrator is a school
17 employee shall report or cause a report to be made in accordance with
18 the provisions of sections 17a-101b to 17a-101d, inclusive.

19 [(b) (1) Any person required to report under the provisions of this
20 section who fails to make such report or fails to make such report within
21 the time period prescribed in sections 17a-101b to 17a-101d, inclusive,
22 and section 17a-103 shall be guilty of a class A misdemeanor, except that
23 such person shall be guilty of a class E felony if (A) such violation is a
24 subsequent violation, (B) such violation was wilful or intentional or due
25 to gross negligence, or (C) such person had actual knowledge that (i) a
26 child was abused or neglected, as described in section 46b-120, or (ii) a
27 person was a victim described in subdivision (2) of subsection (a) of this
28 section.

29 (2) Any person who intentionally and unreasonably interferes with
30 or prevents the making of a report pursuant to this section, or attempts
31 or conspires to do so, shall be guilty of a class D felony. The provisions
32 of this subdivision shall not apply to any child under the age of eighteen
33 years or any person who is being educated by the Technical Education
34 and Career System or a local or regional board of education, other than
35 as part of an adult education program.

36 (3) Any person found guilty under the provisions of this subsection
37 shall be required to participate in an educational and training program.
38 The program may be provided by one or more private organizations
39 approved by the commissioner, provided the entire cost of the program
40 shall be paid from fees charged to the participants, the amount of which
41 shall be subject to the approval of the commissioner.

42 (c) The Commissioner of Children and Families, or the
43 commissioner's designee, shall promptly notify the Chief State's
44 Attorney when there is reason to believe that any such person has failed
45 to make a report in accordance with this section.]

46 [(d)] (b) For purposes of this section and section 17a-101b, a

47 mandated reporter's suspicion or belief may be based on factors
48 including, but not limited to, observations, allegations, facts or
49 statements by a child, victim, as described in subdivision (2) of
50 subsection (a) of this section, or third party. Such suspicion or belief does
51 not require certainty or probable cause. Nothing in this section shall
52 preclude a mandated reporter from conducting a preliminary inquiry to
53 determine if reasonable cause exists for such mandated reporter to make
54 a report pursuant to subsection (a) of this section.

55 Sec. 2. Section 17a-101e of the general statutes is repealed and the
56 following is substituted in lieu thereof (*Effective July 1, 2024*):

57 (a) No employer shall (1) discharge, or in any manner discriminate or
58 retaliate against, any employee who in good faith makes a report
59 pursuant to sections 17a-101a to 17a-101d, inclusive, as amended by this
60 act, and 17a-103, testifies or is about to testify in any proceeding
61 involving child abuse or neglect, or (2) hinder or prevent, or attempt to
62 hinder or prevent, any employee from making a report pursuant to
63 sections 17a-101a to 17a-101d, inclusive, as amended by this act, and
64 17a-103, or testifying in any proceeding involving child abuse or neglect.
65 The Attorney General may bring an action in Superior Court against an
66 employer who violates this subsection. The court may assess a civil
67 penalty of not more than two thousand five hundred dollars and may
68 order such other equitable relief as the court deems appropriate.

69 (b) Any person, institution or agency [which, in good faith,] that (1)
70 makes or does not make, in good faith, a report pursuant to sections 17a-
71 101a to 17a-101d, inclusive, as amended by this act, and 17a-103, or (2)
72 provides, in good faith, professional medical intervention or assistance
73 in any proceeding involving child abuse and neglect, including, but not
74 limited to, (A) causing a photograph, x-ray or a physical custody
75 examination to be made, (B) causing a child to be taken into emergency
76 protective custody, (C) disclosing a medical record or other information
77 pertinent to the proceeding, or (D) performing a medically relevant test,
78 shall be immune from any liability, civil or criminal, which might
79 otherwise arise from or be related to the actions taken pursuant to this

80 subsection and shall have the same immunity with respect to any
81 judicial proceeding which results from such report or actions, provided
82 such person did not perpetrate or cause such abuse or neglect. The
83 immunity from civil or criminal liability extends only to actions done
84 pursuant to this subsection and does not extend to the malpractice of a
85 medical professional that results in personal injury or death.

86 (c) Any person who is alleged to have knowingly made a false report
87 of child abuse or neglect pursuant to sections 17a-101a to 17a-101d,
88 inclusive, as amended by this act, and 17a-103 shall be referred to the
89 office of the Chief State's Attorney for purposes of a criminal
90 investigation.

91 (d) Any person who knowingly makes a false report of child abuse or
92 neglect pursuant to sections 17a-101a to 17a-101d, inclusive, as amended
93 by this act, and 17a-103 shall be fined not more than two thousand
94 dollars or imprisoned not more than one year or both.

95 Sec. 3. Subsection (d) of section 17a-101i of the general statutes is
96 repealed and the following is substituted in lieu thereof (*Effective July 1,*
97 *2024*):

98 (d) If a school employee, as defined in section 53a-65, or any person
99 holding a certificate, permit or authorization issued by the State Board
100 of Education under the provisions of sections 10-144o to 10-149,
101 inclusive, is convicted of a crime involving an act of child abuse or
102 neglect as described in section 46b-120 or a violation of subdivision (2)
103 of subsection [(b) of section 17a-101a] (d) of section 17a-101o, as
104 amended by this act, or section 53-21, 53a-71 or 53a-73a against any
105 person, or a violation of section 53a-70, 53a-70a, 53a-72a or 53a-72b
106 against a victim, as described in subdivision (2) of subsection (a) of
107 section 17a-101a, as amended by this act, the state's attorney for the
108 judicial district in which the conviction occurred shall in writing notify
109 the superintendent of the school district or the supervisory agent of the
110 nonpublic school in which the person is employed and the
111 Commissioner of Education of such conviction.

112 Sec. 4. Section 17a-101o of the general statutes is repealed and the
113 following is substituted in lieu thereof (*Effective July 1, 2024*):

114 (a) If the Commissioner of Children and Families suspects or knows
115 that a mandated reporter, as defined in section 17a-101, [employed by a
116 local or regional board of education,] has failed to make a report that a
117 child has been abused or neglected or placed in immediate risk of
118 serious harm within the time period prescribed in sections 17a-101a to
119 [17a-101d] 17a-101c, inclusive, as amended by this act, [and section 17a-
120 103,] the commissioner shall make a record of such [delay] failure to
121 report and develop and maintain a database of such records. The
122 commissioner shall [investigate such delayed reporting. Such
123 investigation] conduct an assessment with respect to such failure to
124 report. Such assessment shall be conducted in accordance with the
125 policy developed in subsection (b) of this section, and include the
126 actions taken by the employing local or regional board of education or
127 superintendent of schools for the district in response to such employee's
128 failure to report.

129 (b) The Department of Children and Families shall develop a policy
130 for the [investigation of delayed reports by mandated reporters]
131 assessment of the failure of mandated reporters to make reports within
132 the time period prescribed in sections 17a-101a to 17a-101c, inclusive, as
133 amended by this act. Such policy shall include, but not be limited to,
134 when referrals to the appropriate law enforcement agency for [delayed
135 reporting] the failure to report are required and when the department
136 shall require mandated reporters who have been found to have [delayed
137 making a report] failed to make reports to participate in the educational
138 and training program pursuant to subsection [(b) of section 17a-101a]
139 (d) of this section.

140 (c) The Commissioner of Children and Families, or the
141 commissioner's designee, shall promptly notify the Chief State's
142 Attorney when there is reason to believe that a mandated reporter has
143 failed to make a report in accordance with sections 17a-101a to 17a-101c,
144 inclusive, as amended by this act.

145 (d) (1) Any person required to report under the provisions of section
146 17a-101a, as amended by this act, who fails to make such report or fails
147 to make such report within the time period prescribed in sections 17a-
148 101a to 17a-101c, inclusive, as amended by this act, shall be guilty of a
149 class A misdemeanor, except that such person shall be guilty of a class
150 E felony if (A) such violation is a subsequent violation, (B) such violation
151 was wilful or intentional or due to gross negligence, or (C) such person
152 had actual knowledge that (i) a child was abused or neglected, as
153 described in section 46b-120, or (ii) a person was a victim described in
154 subdivision (2) of subsection (a) of section 17a-101a, as amended by this
155 act.

156 (2) Any person who intentionally and unreasonably interferes with
157 or prevents the making of a report pursuant to section 17a-101a, as
158 amended by this act, or attempts or conspires to do so, shall be guilty of
159 a class D felony. The provisions of this subdivision shall not apply to
160 any child under the age of eighteen years or any person who is being
161 educated by the Technical Education and Career System, a local or
162 regional board of education, other than as part of an adult education
163 program, or a nonpublic school.

164 (3) Any person found guilty under the provisions of this subsection
165 shall be required to participate in an educational and training program.
166 The program may be provided by one or more private organizations
167 approved by the commissioner and the entire cost of the program shall
168 be paid from fees charged to the participants, the amount of which shall
169 be subject to the approval of the commissioner.

170 [(c)] (e) For purposes of this section, "child" includes any victim
171 described in subdivision (2) of subsection (a) of section 17a-101a, as
172 amended by this act.

173 Sec. 5. Subdivision (3) of subsection (i) of section 10-145b of the
174 general statutes is repealed and the following is substituted in lieu
175 thereof (*Effective July 1, 2024*):

176 (3) When the Commissioner of Education is notified, pursuant to

177 section 10-149a, as amended by this act, or 17a-101i, as amended by this
178 act, that a person holding a certificate, permit or authorization issued by
179 the State Board of Education under the provisions of sections 10-144o to
180 10-149, inclusive, has been convicted of (A) a capital felony, under the
181 provisions of section 53a-54b in effect prior to April 25, 2012, (B) arson
182 murder, pursuant to section 53a-54d, (C) a class A felony, (D) a class B
183 felony, except a violation of section 53a-122, 53a-252 or 53a-291, (E) a
184 crime involving an act of child abuse or neglect as described in section
185 46b-120, or (F) a violation of section [17a-101a] 17a-101o, as amended by
186 this act, 53-21, 53-37a, 53a-60b, 53a-60c, 53a-71, 53a-72a, 53a-72b, 53a-
187 73a, 53a-88, 53a-90a, 53a-99, 53a-103a, 53a-181c, 53a-191, 53a-196, 53a-
188 196c, 53a-216, 53a-217b or 21a-278 or subsection (a) of section 21a-277,
189 any certificate, permit or authorization issued by the State Board of
190 Education and held by such person shall be deemed revoked and the
191 commissioner shall notify such person of such revocation, provided
192 such person may request reconsideration pursuant to regulations
193 adopted by the State Board of Education, in accordance with the
194 provisions of chapter 54. As part of such reconsideration process, the
195 board shall make the initial determination as to whether to uphold or
196 overturn the revocation. The commissioner shall make the final
197 determination as to whether to uphold or overturn the revocation.

198 Sec. 6. Section 10-145i of the general statutes is repealed and the
199 following is substituted in lieu thereof (*Effective July 1, 2024*):

200 Notwithstanding the provisions of sections 10-144o to 10-146b,
201 inclusive, and 10-149, the State Board of Education shall not issue or
202 reissue any certificate, authorization or permit pursuant to said sections
203 if (1) the applicant for such certificate, authorization or permit has been
204 convicted of any of the following: (A) A capital felony, as defined under
205 the provisions of section 53a-54b in effect prior to April 25, 2012; (B)
206 arson murder, as defined in section 53a-54d; (C) any class A felony; (D)
207 any class B felony except a violation of section 53a-122, 53a-252 or 53a-
208 291; (E) a crime involving an act of child abuse or neglect as described
209 in section 46b-120; or (F) a violation of section [17a-101a] 17a-101o, as
210 amended by this act, 53-21, 53-37a, 53a-60b, 53a-60c, 53a-71, 53a-72a,

211 53a-72b, 53a-73a, 53a-88, 53a-90a, 53a-99, 53a-103a, 53a-181c, 53a-191,
212 53a-196, 53a-196c, 53a-216, 53a-217b or 21a-278 or a violation of
213 subsection (a) of section 21a-277, and (2) the applicant completed
214 serving the sentence for such conviction within the five years
215 immediately preceding the date of the application.

216 Sec. 7. Section 10-149a of the general statutes is repealed and the
217 following is substituted in lieu thereof (*Effective July 1, 2024*):

218 If a person holding a certificate, authorization or permit issued by the
219 State Board of Education under the provisions of sections 10-144o to 10-
220 149, inclusive, is convicted of a felony or fined pursuant to section [17a-
221 101a] 17a-101o, as amended by this act, the state's attorney or assistant
222 state's attorney for the judicial district in which the conviction or fine
223 occurred shall notify, in writing, the Commissioner of Education of such
224 conviction or fine.

225 Sec. 8. Subsection (a) of section 10-222c of the general statutes is
226 repealed and the following is substituted in lieu thereof (*Effective July 1,*
227 *2024*):

228 (a) No local or regional board of education, governing council of a
229 state or local charter school, interdistrict magnet school operator or
230 supervisory agent of a nonpublic school shall offer employment to an
231 applicant for a position, including any position which is contracted for,
232 if such applicant would have direct student contact, prior to such board,
233 council, operator or supervisory agent:

234 (1) Requiring of such applicant:

235 (A) To list the name, address and telephone number of each current
236 or former employer of the applicant, if such current or former employer
237 was a local or regional board of education, council, operator or
238 supervisory agent or if such employment otherwise caused the
239 applicant to have contact with children;

240 (B) A written authorization that (i) consents to and authorizes
241 disclosure by the employers listed under subparagraph (A) of this

242 subdivision of the information requested under subdivision (2) of this
243 subsection and the release of related records by such employers, (ii)
244 consents to and authorizes disclosure by the Department of Education
245 of the information requested under subdivision (3) of this subsection
246 and the release of related records by the department, and (iii) releases
247 those employers and the department from liability that may arise from
248 such disclosure or release of records pursuant to subdivision (2) or (3)
249 of this subsection; and

250 (C) A written statement of whether the applicant (i) has been the
251 subject of an abuse or neglect or sexual misconduct investigation by any
252 employer, state agency or municipal police department, unless the
253 investigation resulted in a finding that all allegations were
254 unsubstantiated, (ii) has ever been disciplined or asked to resign from
255 employment or resigned from or otherwise separated from any
256 employment while an allegation of abuse or neglect was pending or
257 under investigation by the Department of Children and Families, or an
258 allegation of sexual misconduct was pending or under investigation or
259 due to an allegation substantiated pursuant to section 17a-101g of abuse
260 or neglect, or of sexual misconduct or a conviction for abuse or neglect
261 or sexual misconduct, or (iii) has ever had a professional or occupational
262 license or certificate suspended or revoked or has ever surrendered such
263 a license or certificate while an allegation of abuse or neglect was
264 pending or under investigation by the department or an investigation
265 of sexual misconduct was pending or under investigation, or due to an
266 allegation substantiated by the department of abuse or neglect or of
267 sexual misconduct or a conviction for abuse or neglect or sexual
268 misconduct;

269 (2) Conducting a review of the employment history of the applicant
270 by contacting those employers listed by the applicant under subdivision
271 (1) of this subsection. Such review shall be conducted using a form
272 developed by the Department of Education in accordance with section
273 3 of public act 16-67 that shall request (A) the dates of employment of
274 the applicant, and (B) a statement as to whether the employer has
275 knowledge that the applicant (i) was the subject of an allegation of abuse

276 or neglect or sexual misconduct for which there is an investigation
277 pending with any employer, state agency or municipal police
278 department or which has been substantiated, unless such substantiation
279 has been reversed as a result of an appeal conducted pursuant to section
280 17a-101k; (ii) was disciplined or asked to resign from employment or
281 resigned from or otherwise separated from any employment while an
282 allegation of abuse or neglect or sexual misconduct was pending or
283 under investigation, or due to a substantiation of abuse or neglect or
284 sexual misconduct, unless such substantiation has been reversed as a
285 result of an appeal conducted pursuant to section 17a-101k; or (iii) has
286 ever had a professional or occupational license, certificate, authorization
287 or permit suspended or revoked or has ever surrendered such a license,
288 certificate, authorization or permit while an allegation of abuse or
289 neglect or sexual misconduct was pending or under investigation, or
290 due to a substantiation of abuse or neglect or sexual misconduct, unless
291 such substantiation has been reversed as a result of an appeal conducted
292 pursuant to section 17a-101k. Such review may be conducted
293 telephonically or through written communication. Notwithstanding the
294 provisions of subsection (g) of section 31-51i, not later than five business
295 days after any such current or former employer of the applicant receives
296 a request for such information, such employer shall respond with such
297 information. A local or regional board of education, council, operator or
298 supervisory agent may request more information concerning any
299 response made by a current or former employer, and, notwithstanding
300 the provisions of said subsection (g), such employer shall respond not
301 later than five business days after receiving such request; and

302 (3) Requesting information from the Department of Education
303 concerning (A) the eligibility status for employment of any applicant for
304 a position requiring a certificate, authorization or permit issued
305 pursuant to chapter 166, (B) whether the department has knowledge
306 that a finding has been substantiated by the Department of Children and
307 Families pursuant to section 17a-101g of abuse or neglect or of sexual
308 misconduct against the applicant and any information concerning such
309 a finding, and (C) whether the department has received notification that
310 the applicant has been convicted of a crime or of criminal charges

311 pending against the applicant and any information concerning such
312 charges.

313 Sec. 9. Subsection (m) of section 10-222c of the general statutes is
314 repealed and the following is substituted in lieu thereof (*Effective July 1,*
315 *2024*):

316 (m) No local or regional board of education, council, operator or
317 supervisory agent shall offer employment to any applicant who had any
318 previous employment contract terminated by a board, council, operator
319 or supervisory agent or who resigned from such employment, if such
320 person has been convicted of a violation of section [17a-101a] 17a-101o,
321 as amended by this act, when an allegation of abuse or neglect or sexual
322 assault has been substantiated.

323 Sec. 10. Section 10-221s of the general statutes is repealed and the
324 following is substituted in lieu thereof (*Effective July 1, 2024*):

325 (a) Each local and regional board of education shall post the
326 telephone number for the Careline operated by the Department of
327 Children and Families, pursuant to section 17a-103a, and the Internet
328 web site address that provides information about the Careline in a
329 conspicuous location frequented by students in each school under the
330 jurisdiction of the board. Such posting shall be in various languages that
331 are the most appropriate for the students enrolled in the school.

332 (b) A local or regional board of education shall permit and give
333 priority to any investigation conducted by the Commissioner of
334 Children and Families or the appropriate local law enforcement agency
335 that a child has been abused or neglected pursuant to sections 17a-101a
336 to 17a-101d, inclusive, as amended by this act, and section 17a-103. Such
337 board of education shall conduct its own investigation and take any
338 disciplinary action, in accordance with the provisions of section 17a-
339 101i, as amended by this act, upon notice from the commissioner or the
340 appropriate local law enforcement agency that such board's
341 investigation will not interfere with the investigation of the
342 commissioner or such local law enforcement agency. A preliminary

343 inquiry described in subsection (b) of section 17a-101a, as amended by
344 this act, shall not be considered an investigation conducted by a board
345 of education under this section.

346 Sec. 11. (*Effective from passage*) Not later than October 1, 2024, the
347 Commissioner of Children and Families shall update the educational
348 training program and refresher training program for the accurate and
349 prompt identification and reporting of child abuse and neglect,
350 developed pursuant to subsection (c) of section 17a-101 of the general
351 statutes, to include training for school employees, as defined in section
352 53a-65 of the general statutes, on (1) the proper manner in which to
353 conduct a preliminary inquiry described in subsection (b) of section 17a-
354 101a of the general statutes, as amended by this act, and (2) the
355 provisions of section 10-221s of the general statutes, as amended by this
356 act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2024</i>	17a-101a
Sec. 2	<i>July 1, 2024</i>	17a-101e
Sec. 3	<i>July 1, 2024</i>	17a-101i(d)
Sec. 4	<i>July 1, 2024</i>	17a-101o
Sec. 5	<i>July 1, 2024</i>	10-145b(i)(3)
Sec. 6	<i>July 1, 2024</i>	10-145i
Sec. 7	<i>July 1, 2024</i>	10-149a
Sec. 8	<i>July 1, 2024</i>	10-222c(a)
Sec. 9	<i>July 1, 2024</i>	10-222c(m)
Sec. 10	<i>July 1, 2024</i>	10-221s
Sec. 11	<i>from passage</i>	New section

ED Joint Favorable Subst. C/R

APP

APP 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 25 \$	FY 26 \$
Judicial Dept. (Probation); Correction, Dept.	GF - Potential Cost	Minimal	Minimal
Resources of the General Fund	GF - Potential Revenue Gain	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill, which makes various changes to mandated reporter failure offenses, results in a potential cost to the Department of Correction and the Judicial Department for incarceration or probation and a potential revenue gain to the General Fund from fines to the extent that these changes result in more offenses. On average, the marginal cost to the state for incarcerating an offender for the year is \$3,300¹ while the average marginal cost for supervision in the community is less than \$800² each year for adults. Few violations are anticipated.³

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations.

¹Inmate marginal cost is based on increased consumables (e.g., food, clothing, water, sewage, living supplies, etc.) This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

²Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

³Since FY 14, less than 40 charges were recorded for similar offenses.

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)