



Connecticut Education Association
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Testimony of

Melanie I. Kolek

Connecticut Education Association

Before the

Education Committee

Re:

HB 52188 AA Concerning Teachers

Senator McCrory, Representative Leeper, Senator Berthel, Representative Zupkus, and members of this esteemed committee my name is Melanie I. Kolek. I am legal counsel for the Connecticut Education Association, which represents educators in over 150 school districts across the state.

As you know, under C.G.S. § 10-236a(b), any school employee who is absent from work due to injuries sustained during an assault is entitled to full salary during that absence. If the employee receives workers' compensation benefits, the district must pay the difference between those benefits and the employee's full salary, ensuring the employee remains whole.

In recent years, however, we have seen school districts take the position that they are not obligated to provide full salary in assault-related absences if the student "did not intend" to assault the teacher. This interpretation has created serious and troubling consequences.

For example, I represented a teacher who was struck aggressively in the chest by a student, knocking her backward and causing significant injury. This was the third assault by the same student in less than three weeks. The district denied her full salary, arguing

that the child “did not mean to hit” her because the child allegedly did not understand the differences between right and wrong.

Many districts now argue that an assault under the statute requires proof of an intentional act coupled with wrongful purpose. That is not the definition of civil assault, and under longstanding legal principles, civil assault does not require an intent to harm. Legislative history and case precedent support the conclusion that an “intent to injure” element was never required under § 10-236a(b). Yet districts continue to impose this heightened standard, effectively rewriting the statute.

We have also encountered the deeply troubling assertion that teachers assaulted by dysregulated students are not entitled to full salary because they “sign up for this.” Our educators did not sign up to be hit, bitten, scratched, tripped, punched, pushed, or have their hair pulled. They are professionals committed to educating children, not punching bags.

If this issue is not addressed, we risk driving assaulted educators out of the profession and deterring future educators from entering it. At a time when we are already facing staffing shortages, we cannot afford to send the message that school personnel will not be protected when injured in the line of duty.

These proposed amendments simply remove the ambiguity surrounding student intent and make clear that assaulted school personnel are entitled to fair treatment and full salary protection when they are forced to miss work due to injuries sustained in an assault. This is not an expansion of the law. It is a clarification to ensure that the protections the legislature intended are meaningfully upheld.