

Act Number	Session	Bill Number	Total Number of Committee Pages	Total Number of House Pages	Total Number of Senate Pages
PA 71-261		5694	3	6	2
<u>Committee Pages:</u> <ul style="list-style-type: none"> • <i>Education 188-189</i> • <i>Education 225</i> 				<u>House Pages:</u> <ul style="list-style-type: none"> • <i>2081-2086</i> 	<u>Senate Pages:</u> <ul style="list-style-type: none"> • <i>1703-1704</i>

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
1971**

**VOL. 14
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1968-2502**

Tuesday, May 4, 1971

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THE CLERK:

Calendar No. 619, Substitute for H.B. No. 5694, An Act Concerning Professional Communication Between a Teacher and a Student.

THE SPEAKER:

Does the gentleman from the 9th wish this passed temporarily? So ordered.

THE CLERK:

Top of page 7, Calendar No. 622, H.B. No. 8078, An Act Concerning Voluntary Admission to the Department of Children and Youth Services.

MR. CHAGNON (97th):

Mr. Speaker, I move acceptance of the Joint Committee's favorable report and passage of the bill.

THE SPEAKER:

Will you remark?

MR. CHAGNON (97th):

Mr. Speaker, this bill concerns the voluntary admission of children to the Department of Children and Youth Services to avail themselves of the benefits that this unit may have to offer. Of particular interest in this change in this bill is that a youngster, fourteen years or older, may make petition on his own to avail himself of the facilities, if they feel it is good. I move that this bill be passed.

THE SPEAKER:

Further remarks on the bill? If not, all those in favor indicate by saying aye. Opposed? The bill is PASSED.

THE CLERK:

I have been requested to return to the bottom of page 6, Calendar No. 619, Substitute for H.B. No. 5694, An Act Concerning Professional

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Communication Between a Teacher and a Student.

djh

MR. KLEBANOFF (9th):

Mr. Speaker, I move acceptance of the Joint Committee's favorable report and passage of the bill.

THE SPEAKER:

The question is on acceptance and passage. Will you remark?

MR. KLEBANOFF (9th):

I believe that the Clerk has an amendment.

THE SPEAKER:

Will the Clerk call House Amendment Schedule "A".

THE CLERK:

House Amendment Schedule "A" offered by Mr. Stevens of the 122nd.

In line 10 insert period after "school" and strike out from "or" through "state" on line 12.

In line 21, after the word "student" delete everything through line 25 and insert the following: "when such information concerns alcohol or drug abuse or any alcoholic or drug problem of such student but if such employee obtains physical evidence from such student indicating that a crime has been or is being committed by such student, such employee shall be required to turn such evidence over to school administrators or law enforcement officials, provided in no such case shall such employee be required to disclose the name of the student from whom he obtained such evidence and such employee shall be immune from arrest and prosecution for the possession of such evidence obtained from such student".

THE SPEAKER:

Question is on adoption of House Amendment Schedule "A".

MR. KLEBANOFF (9th):

djh

Mr. Speaker, this amendment merely clarifies some of the language in the bill. The first part of the amendment just makes it clear that this is limited to teachers and faculty. The second part of the amendment makes it very clear that we are talking only about problems relating to drug and alcohol and it also clears up the question on what happens if a teacher comes into possession of such instruments, such as heroin or marijuana. It spells out what the teacher, you know, would do with these articles and I would move adoption of the amendment.

THE SPEAKER:

Further remarks on the amendment?

MR. COLLINS (165th):

Mr. Speaker, I rise in support of this amendment. I think it will go a long way towards providing a relationship between a teacher and a student that is unfortunately necessary in this day and age particularly in the tragic problem of drugs. This particular amendment encompasses a recommendation of the Governor in his crime proposals and I'm happy to urge its unanimous adoption.

THE SPEAKER:

Further remarks on the amendment? If not, all those in favor of Amendment Schedule "A" indicate by saying aye. Opposed? The amendment is ADOPTED. It's ruled technical.

MR. KLEBANOFF (9th):

Mr. Speaker, I move acceptance of the favorable report and passage of the bill as amended by Amendment "A". This bill allows teachers to help students in the area of drug addiction. It recognizes the problem which we

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have and tries to enable students, tries to enable teachers to help these students come to grips with the problem. It recognizes that many of these teachers are in need of protection. There have been some slander suits that have been instituted against teachers and hopefully this bill will go somewhat as a step forward in helping us deal with the problem of drug addiction in this state.

THE SPEAKER:

Will you remark further on the bill as amended?

MR. PROVENZANO (127th):

Mr. Speaker, I rise somewhat undecided on this bill and I recognize what the House Chairman of Education is attempting to do but I'm somewhat confused. I'm confused because what we're doing here is in an attempt to create better harmony between the student and the teacher, we may create a greater generation gap between the child and the parent and this is one of my concerns. The other concern is when a teacher does gain possession of certain information, do we make the teacher immune from arrest and do we hamper the police officers. I make these remarks because I want it very clear for legislative intent that we in no way wish to hamper our local law enforcement agencies with such a bill. The bill in my opinion should be only and clearly to give support to the local police officers and to protect the teachers from civil court action in certain cases as outlined to me by the House Chairman of Education. And that's my concern and I'm sure many of us also share that concern. I would hope that some kind of legislative intent could be appended to this bill so that we make clear that we do not in any way wish to hamper our law enforcement agencies.

MR. STEVENS (122nd):

Mr. Speaker, I think Mr. Speaker, that the concerns of the gentleman from Stratford, the gentleman from Stratford need not be concerned with the

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hampering of law enforcement by this bill. I think, on the contrary, that it may work to the advantage of law enforcement officials. I say this because the immunity attaches to the statements but if the child after consultation with the teacher is convinced that it would be in his best interest to go further and disclose what he knows to his parents, to the proper law enforcement officials, it will give them information which they may not have today. The intent behind this bill is to allow young people who have a problem a place to turn if they for some reason do not feel they can turn to their parents or do not wish to turn to law enforcement officials. It's similar to a privilege which attorneys and ministers and clergymen now have. And many times after this communication is made, the individual who has given it, after advice from the person to whom they have spoken, decide that the best course of action is to make this generally known and I think in the area of drug abuse by young people, that this is a major step forward and I do not feel that it will hamper in any way a law enforcement official.

THE SPEAKER:

Further remarks on the bill? Rep. Klebanoff for the second time.

MR. KLEBANOFF (9th):

Just further for the record, Mr. Speaker, that the privilege between an attorney and client is a prohibitive privilege in that it cannot be waived. The attorney, for example, cannot waive the privilege, the client must. The situation in this bill is a little different and the teacher can waive the privilege here if he feels it's necessary.

THE SPEAKER:

Will you remark further on the bill?

MR. COATSWORTH (76th):

djh

Mr. Speaker, this is the second time today I've risen and claimed some sort of professional expertise as a former teacher. I would support this bill and at the same time ask the members of this House to recognize that this bill as it stands now is not an adequate excuse for a proper drug rehabilitation programs nor is it a proper excuse for the kind of psychological and social services which should be and must be made available to the students in schools which suffer drug problems. So, in a technical way, I suppose, this bill may have some effect. I would rather see a bill providing more professional and proper social and psychological services.

THE SPEAKER:

Further remarks on the bill?

MR. MOTTO (3rd):

Mr. Speaker, I rise to support this bill simply because everyday when I go to work, I have to spend all my time trying to do something without any kind of facilities and this bill certainly will give us whatever needed support is extra to help us do a job and, therefore, I urge support of this bill.

MRS. MARTIN (65th):

Mr. Speaker, I rise in wholehearted support of this bill. Many times a youngster will not communicate with his or her parents but they will communicate with the teacher. The teachers are afraid to do any counselling unless we have a bill of this sort and I hope we will have the support of the House. Thank you.

THE SPEAKER:

Will you remark further on the bill as amended? If not, all those in favor indicate by saying aye. Opposed? The bill is PASSED.

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GENERAL ASSEMBLY**

SENATE

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maximum grants. Its a good bill, I urge its adoption.

THE CHAIR:

The question is on passage of the bill. Will you remark further? If not all those in favor of passage signify by saying aye. AYE. Opposed nay? The ayes have it. The bill is passed.

THE CLERK:

Cal. 572, File 811, Favorable report joint standing committee on Education Substitute H.B. 5694 An Act Concerning Professional Communication Between A Teacher and A Student.

THE CHAIR:

Senator Mondani:

SENATOR MONDANI:

Mr. President, I move acceptance of the joint committee's favorable report and passage in concurrence with the House.

THE CHAIR:

Will you remark?

SENATOR MONDANI:

Mr. President, this bill setting up the professional communication between teacher and student allows teachers to help students, especially those where the student's problem revolves around drug or cases with alcohol. Without the requirement that the teacher divulge the information gained. The teacher as defined here in other sections of the statute would pick up the regular public school teachers and the faculty at the state colleges, guidance counselors, supervisors etc. But

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it would allow the counselling and work with these young people. In trying to aid them in correcting some of the habits that they may have fallen into to.

THE CHAIR:

The question is on passage. Will you remark further? If not all those in favor of passage signify by saying aye. AYE. Opposed nay? The ayes have it. The bill is passed.

THE CLERK:

Cal. 573, File 569, F^ravorable report of the joint standing committee on Banks and regulations on H.B. 6617 An Act Concerning Ownership of Savings Banks Investment Company Shares by the Savings Bank Life Insurance Company.

THE CHAIR:

I move acceptance and passage, Mr. President.

THE CHAIR:

Will you remark?

SENATOR BUCKLEY:

Mr. President, the Savings Banks of Connecticut are the sole owners of a Mutual Fund. The bill would authorize savings banks life insurance company to deposit any funds it choose to in the savings bank mutual fund.

THE CHAIR:

The question is on passage of the bill. Will you remark further? If not all those in favor of passage signify by saying aye. AYE. Opposed nay? The ayes have it. The bill is passed.

**JOINT
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Mr. Timothy Quinn: Thank you, Mr. Chairman. I would speak in support of HB448 and 5694 specifically, and generally in support of all the proposals as regards to addressing racial imbalance in the public schools. Our remarks in regard to the bills on privileged communications between teachers and students to a degree would be redundant in relation to last week's hearing on drug education. The subject was pretty well covered at that time.

In this day and age so many of our young people find it difficult to converse with members of the adult community. Often they take a rapport with members of the school staff in order to discuss problems of a most intimate and sensitive nature. An extremely agonizing experience for a teacher trained in a specific subject area to become involved in this type of conversation with a student - to become a party to information of an extremely sensitive nature and then try to determine what the next course of action is. Is your first concern the being...that is the well being and health of the student? Is it the well-being of the school? Is it the well-being of society in general? To whom do you go, if anyone? To whom do you make this information available? Statutes at the moment, General Statutes of the State of Connecticut will hold that a person coming into possession of information regarding a felony would themselves have a legal obligation to expose this information immediately. As we stated last week this then would break down the rapport between the teacher and the student and develop a great distrust of the school community on the part of the school population. Consequently, the last spring, the Educational Policies Commission of the Connecticut Education Association delved very deeply into this subject and the whole subject of drug education in concern with our Legislative Commission and in concert with our Legal Council proposals for legislation were developed which are included in the body of these two bills.

The bills defines professional communication as any communication made privately and in confidence by a student to a teacher in the course of instruction, counselling, discipline or any other situation which the teacher is acting in the discharge of his duties - within the scope of his employment under the direction of his employing board. The bill then provides that ~~no~~ teachers will be required to disclose any information acquired through a professional communication with the student, except where the teacher as a result of, or incident to such professional communication has obtained such possession of physical evidence indicating that a felony has been, or is, being committed. We believe that this limited degree of privileged communication not requiring a teacher to disclose the professional communication, but allowing him to if his judgement indicated it is necessary is the best answer to this problem of teacher-student confidentiality.

A further provision of the bill is that any teacher who in good faith discloses or does not disclose such communication shall be immune from any liability civil or criminal which might otherwise be incurred or imposed. And will have the same immunity with respect to any judicial proceedings which result from such disclosure. Because while our first concern would ✓ be to protect the student and the well-being of the student and the rapport between the student and teacher, there is the possibility still that through disclosure the teacher might leave himself open to disclosure in the best intent attempting to find counsel and assistance for the student. The teacher might then leave himself open to law suit and civil law suit on the part of parents - and in this day and age - on the part of the student, himself.

A great deal of thought and care has gone into this proposal and we believe that this year - 1971 - is the year when the Connecticut General Assembly is going to take action on this matter. The time has arrived. We sincerely hope that this Committee will give serious and favorable consideration to the merits of the provisions of HB5448 and 5694.

I am not going to make any specific remarks in regard to the bills on racial imbalance. We have a general position and a general policy on the whole scope on human relations and I will make available to the Committee copies of our policy on human relations.

Rep. Klebanoff: Thank you, Mr. Quinn. I would also like to thank you for the use of the amplification system - without any strings attached - for this morning's hearing.

Do any representatives have any questions? Thank you.

Dr. Maurice Ross: Commissioner Saunders regrets very much that he can't be here this morning. He has commitments of long standing, so I have been designated to make statements on behalf of the Department. You have before you a number of bills which we have an abiding interest.

I am Associate Commissioner, State Board of Education. I urge the Committee to report favorably on HB5739, An Act Concerning the Development of Innovative Educational Programs.

Connecticut is an idea-oriented state. People with creative ideas abound in our communities and in our schools. It is well that this is so, for emerging problems constantly require new approaches to solution, whether in education or in any other facet of Connecticut living.

For a brief period of time, creative people in our schools had opportunities to test their ideas, either on an individual basis through so-called minigrants under Title V of the Elementary and Secondary Education Act, or through multi-district consortiums using funds from Title III of the same ESEA. Un-

who are not good teachers who are in our classrooms and for a very good reason we are not doing it. Because of the fact that there are very few administrators available to take and evaluate and evaluate in a strong degree the functioning of the teacher in the classroom - the relationship the teacher has with the pupil. The net result is that we have a great upheaval and a great deal of concern in education.....

Teachers are concerned. We will tell you we are very concerned, but we will also tell you don't blame us. Don't blame teachers. We are putting it on the line. We are putting it very, very firmly because what we are saying is: We want to be responsible. We know in many cases the poor teachers in the school system. But we are not in a position to do anything about it and we would like to get rid of them and we would like to have this bill considered very strongly this session of the legislature because we think it is very, very important to the education of the children in this state.

In regard to Well, first off it is in regard to bill 5694 introduced by Rep. Klebanoff, Rep. Motto and Rep. Mastrianni. We are in favor of this bill, but we would like to bring out one thing and I am not sure it is contained in the bill. That is that while providing for relief from criminal charges and so forth - civil charges, the question is can the teacher be eliminated from his position in the school system. In other words, we would hold him clear of any charges and liability civil and criminal, but the question arises and I have been a classroom teacher for over 13 years, this is my first year out of the classroom after 13 years in elementary school - the question is: Can the teacher be eliminated from his job and successfully end his career, let's say, because of the fact that he did not do something the board wished him to do? When I say that I have in mind the town of Coventry, Connecticut. When I bring that question up.

We also would like to say that we are a little concerned and there is another bill in here that I think will take care of it in regard to the education of youngsters who are under state care in institutions such as A Meridan School for Boys and so on. We would like to have something done to start to up-grade the education provisions concerning those institutions.

We are opposed to Bill 5447 which is an Act Concerning Transfers of Appropriations by Boards of Education. Limiting the board to 5%.

An Act Concerning Establishing a Special Department in the State Department of Education - if this is to take such places....in other words, educational programs and so on in state institutions such as Somers, such as Meridan School for Boys and bring them under one board - State Department of Education - we would be in favor of that because by doing so we think that we could start to up-grade our programs given to these youngsters in these places and also for the ladies and gentlemen who find themselves incarcerated in these institutions.