

PA 11-093

HB5431

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**JOINT
STANDING
COMMITTEE
HEARINGS**

**HUMAN
SERVICES
PART 1
1 – 314**

**2011
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TESTIMONY

My name is Brian A. Doyle. I am a principal in the law firm of Ferguson, Doyle & Chester, P.C., located in Rocky Hill, Connecticut. This firm represents numerous public and private sector labor unions, including the American Federation of Teachers Connecticut.

I am here today to testify regarding Proposed Bill No. 5431. It is an act concerning **Notice by the Commissioner of Children and Families to the State Board of Education Concerning Allegations of Abuse and Neglect of a Certified School Employee**. This Act would amend §17a-101i to direct the Commissioner of Children and Families (DCF) to notify the State Department of Education when a certified school employee is substantiated by the Department of Children and Families for neglect or abuse of a child. The intent of the legislation is laudable and good public policy. However, I firmly believe the proposed legislation should be amended.

C.G.S. §17a-101k directs DCF to provide a hearing process to allow a person who is substantiated for abuse and neglect of a child, to appeal that decision. A certified school employee has thirty (30) days after he/she has received a written notice of substantiation to request a hearing. The hearing is held before a Hearing Officer and both DCF and the certified school employee may offer testimony and documentary evidence. At the close of the hearing, the Hearing Officer has thirty (30) days to prepare a written decision.

I strongly recommend the policy that the Commissioner of Education should not be notified until there has been a decision made by the Hearing Officer pursuant to §17a-101k. I have had first-hand experience representing numerous certified school employees who, as the result of the hearing process, have had the abuse or neglect allegation overturned. It would be unfortunate and irresponsible to notify the Commissioner of Education of a substantiation before this administrative hearing process is complete.

I ask that Proposed Bill No. 5431 be amended to require that the Commissioner of Education be notified of neglect or abuse by a certified school employee only after a decision by the Administrative Hearing Officer, or if the certified school employee has declined to exercise his/her appeal rights.



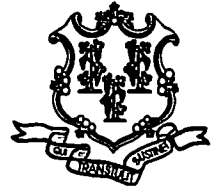


STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES

Public Hearing Testimony

Human Services Committee

February 10, 2011



H.B. No. 5431 (COMM) AN ACT CONCERNING NOTICE BY THE COMMISSIONER OF CHILDREN AND FAMILIES TO THE COMMISSIONER OF EDUCATION CONCERNING ALLEGATIONS OF ABUSE AND NEGLECT BY A SCHOOL EMPLOYEE

The Department of Children and Families supports the intent behind H.B. No. 5431, An Act Concerning Notice by the Commissioner of Children and Families to the Commissioner of Education Concerning Allegations of Abuse and Neglect by a School Employee.

The bill codifies one of the recommendations from a report of the Attorney General and Child Advocate entitled "*Protecting Our Children: Improving Protections for Children When Allegations are Made that School System Personnel Abused and/or Neglected Children*" dated July 8, 2010 concerning investigations of reports of child abuse and neglect in schools. This report identified a number of areas in the statutory scheme governing mandated reporters, the investigation of child abuse and neglect and the sharing of information across all the involved systems that may need improvement. The full report is available via the Office of the Attorney General's website at - <http://www.ct.gov/ag/lib/ag/health/dcfedureport070810.pdf>

Specifically, H.B. No. 5431 would require DCF to notify the State Department of Education when DCF substantiates an allegation that a school employee has abused or neglected a child.

The Human Services Committee has also raised four other Proposed Bills to be drafted as Committee Bills on this same topic. These bills will be heard at a future public hearing(s). These bills are:

- Proposed H.B. No. 5428, An Act Concerning Prompt Reporting of Child Abuse and Neglect in an Educational Setting;
- Proposed H.B. No. 5433, An Act Concerning Reports of Child Abuse and Neglect by School Employees and Investigations by Employing School Districts;
- Proposed H.B. No. 5435, An Act Concerning Notice of Child Neglect by a School Employee; and
- Proposed H.B. No. 5755, An Act Concerning Training for Persons Mandated to Report Suspected Child Abuse and Neglect.

DCF suggests that the Committee consolidate these concepts together if you chose to favorably report these bills, as many of the statutory changes in the various sections are interrelated. The Department is willing to work with the Committee in developing specific language as these bills move forward.



STATE OF CONNECTICUT
STATE BOARD OF EDUCATION



Human Services Committee
February 10, 2011

TESTIMONY OF
GEORGE A. COLEMAN, ACTING COMMISSIONER OF EDUCATION

ON

HOUSE BILL 5431

AN ACT CONCERNING NOTICE BY THE COMMISSIONER OF CHILDREN AND
FAMILIES TO THE COMMISSIONER OF EDUCATION CONCERNING
ALLEGATIONS OF ABUSE AND NEGLECT BY A SCHOOL EMPLOYEE

The State Department of Education (CSDE) supports the intent behind H.B. No. 5431, AAC Notice by the Commissioner of Children and Families to the Commissioner of Education Concerning Allegations of Abuse and Neglect by a School Employee, to require the Department of Children and Families (DCF) to notify the CSDE when DCF substantiates an allegation that a school employee has abused or neglected a child.

The bill codifies one of the recommendations from a report of the Attorney General and Child Advocate entitled "*Protecting Our Children: Improving Protections for Children When Allegations are Made that School System Personnel Abused and/or Neglected Children*" dated July 8, 2010 concerning investigations of reports of child abuse and neglect in schools. The full report is available via the Office of the Attorney General's website at - <http://www.ct.gov/ag/lib/ag/health/dcfedureport070810.pdf>.

CSDE suggests that the Committee consider the recommendations in the above report, along with additional recommendations presented by both DCF and SDE in response to the report of the Attorney General and Child Advocate. Please find attached the response from CSDE.



STATE OF CONNECTICUT
STATE BOARD OF EDUCATION



To: The Honorable M. Jodi Rell, Governor
Thomas P. Sheridan, Senate Clerk, Connecticut General Assembly
Garey E. Coleman, House Clerk, Connecticut General Assembly

From: Mark K. McQuillan, Commissioner
State Department of Education

Date: January 3, 2011

Subject: Response to AG/OCA Report Concerning Abuse/Neglect in Schools

The following is a written response prepared by the State Department of Education (SDE) to the report entitled "Protecting Our Children: Improving Protections for Children when Allegations are made that School System Personnel Abused and/or Neglected Children," issued by the Office of the Child Advocate and the Office of the Attorney General on July 8, 2010. The report makes thirteen specific recommendations, some of which apply to SDE and some of which apply to the Department of Children and Families (DCF).

Recommendation #1:

The provisions of Connecticut General Statutes 10-221d should be amended to require the SDE to check the DCF Child Abuse and Neglect Registry prior to issuing or renewing a certification.

SDE Response:

The SDE agrees that the registry should be checked as recommended and that Connecticut General Statutes (C.G.S.) Section 10-221d should be amended. SDE receives thousands of certification applications and renewals each year and does not have the staff capacity to check the registry for every application it receives. SDE recommends that C.G.S. Section 10-221d be amended by inserting the language below at the end of the section. This proposed revision mirrors the language currently in statute which provides for the process of conducting criminal background checks in subsections (e) of (f) of C.G.S. Section 10-221d.

Sec. 10-221d. Criminal history records checks of school personnel. Fingerprinting. Termination or dismissal.

(e) The State Board of Education shall submit, periodically, a database of applicants for an initial issuance of certificate, authorization or permit pursuant to sections 10-144o to 10-149, inclusive, to the State Police Bureau of Identification. The State Police Bureau of Identification shall conduct a state criminal history records check against such database and notify the State Board of Education of any such applicant who has a criminal conviction. The State Board of

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Education shall not issue a certificate, authorization or permit until it receives and evaluates the results of such check and may deny an application in accordance with the provisions of subsection (j) of section 10-145b.

(f) The State Board of Education shall submit, periodically, a database of all persons who hold certificates, authorizations or permits to the State Police Bureau of Identification. The State Police Bureau of Identification shall conduct a state criminal history records check against such database and shall notify the State Board of Education of any such person who has a criminal conviction. The State Board of Education may revoke the certificate, authorization or permit of such person in accordance with the provisions of subsection (j) of section 10-145b.

(g) The State Board of Education shall submit, periodically, a database of all persons who hold certificates, authorizations or permits to the Department of Children and Families. The Department of Children and Families shall conduct a records check against such database and shall disclose any pertinent records, as defined in section 17a-28, regarding such persons to the State Board of Education. Where appropriate, the State Board of Education may revoke the certificate, authorization or permit of such person in accordance with the provisions of subsection (j) of section 10-145b.

Recommendation #2:

- (a) The provisions of Conn. Gen. Stat. 17a-28(f) should be amended to give school districts the same access to the DCF Child Abuse & Neglect Registry that the State Department of Education has in connection with background checks for hiring. Waivers from prospective employees should not be required for school district access to the Registry.
- (b) The provisions of Conn. Gen. Stat. 10-221d should be amended to require school districts to check the DCF Child Abuse & Neglect Registry prior to hiring any employee.

SDE Response:

- a) DCF addressed recommendation 2(a) in its response and has submitted a legislative proposal amending C.G.S. Section 17a-28(f) for consideration during the 2011 session of the General Assembly. SDE supports this change.
- b) As to recommendation 2(b), SDE supports this change and recommends the following change to subsection (a) of C.G.S. Section 10-221d.

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**Sec. 10-221d. Criminal history records checks of school personnel. Fingerprinting.
Termination or dismissal.**

(a) On and after July 1, 1994, each local and regional board of education shall (1) require each applicant for a position in a public school to state whether such person has ever been convicted of a crime or whether criminal charges are pending against such person at the time of such person's application, (2) require, subject to the provisions of subsection (d) of this section, each person hired by the board after July 1, 1994, to submit to state and national criminal history records checks within thirty days from the date of employment and may require, subject to the provisions of subsection (d) of this section, any person hired prior to said date to submit to state and national criminal history records checks, [and] (3) require each worker (A) placed within a school under a public assistance employment program, or (B) employed by a provider of supplemental services pursuant to the No Child Left Behind Act, P.L. 107-110, who performs a service involving direct student contact to submit to state and national criminal history records checks within thirty days from the date such worker begins to perform such service, and (4) require each application for a position in a public school to submit to a records check by the Department of Children and Families, pursuant to 17a-101k. The criminal history records checks required by this subsection shall be conducted in accordance with section 29-17a. If the local or regional board of education receives notice of a conviction of a crime which has not previously been disclosed by such person to the board, the board may (i) terminate the contract of a certified employee, in accordance with the provisions of section 10-151, and (ii) dismiss a noncertified employee provided such employee is notified of the reason for such dismissal, is provided the opportunity to file with the board, in writing, any proper answer to such criminal conviction and a copy of the notice of such criminal conviction, the answer and the dismissal order are made a part of the records of the board. In addition, if the local or regional board of education receives notice of a conviction of a crime by a person holding a certificate, authorization or permit issued by the State Board of Education or employed by a provider of supplemental services, the local or regional board of education shall send such notice to the State Board of Education. The supervisory agent of a private school may require any applicant for a position in such school or any employee of such school to submit to state and national criminal history records checks in accordance with the procedures described in this subsection.

Recommendation #3:

- (a) The Department of Children and Families and the State Department of Education should be required to jointly publish a model mandated reporting policy for school districts and to revise such model policy as frequently as necessary to incorporate changes to applicable law. Such model policy should at a minimum specify: 1) who is a mandate reporter; 2) what must be reported; 3) the required time frame for both verbal and written mandated reports; and 4) that retaliation against mandated reports is prohibited.

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- (b) School districts should be required to review mandated reporting policies annually and to update them as necessary. Such policies should at a minimum specify 1) who is a mandate reporter; 2) what must be reported; 3) the required time frame for both verbal and written mandated reports; and 4) that retaliation against mandated reports is prohibited.
- (c) The provision of Conn. Gen. Stat. 17a-101 should be amended to make all school employees, and any individual who performs any service under a contract with a school district, mandated reporters.

SDE Response:

- a) DCF is reviewing an existing memorandum of agreement and guidelines for school districts jointly issued by DCF and SDE and SDE is willing to offer assistance in this effort as well as distribute the guidelines to superintendents once complete.
- b) SDE would support a legislative change to require a biennial review of a school district's mandated reporting policy, pursuant to recommendation 3(b).
- c) SDE supports DCF's legislative proposal which addresses recommendation 3(c).

Recommendation #4:

- a) The provisions of Conn. Gen. Stat. 17a-101 should be amended to require DCF to provide mandated reported training to all new school district employees and contractors on an annual basis. All school districts should be required to mandate that all new employees and contractors attend such training and to adequately document that all such employees and contractors have received such training.
- b) School districts should be required to 1) distribute accurate information annually to all school staff regarding mandated reporter obligations; and 2) to provide refresher training every 3 years. Such training should be provided by DCF or by a trainer certified by DCF in accordance with such certificate. School districts should be required to adequately document that all employees and contractors have received such information and training.
- c) The provisions of Conn. Gen. Stat. 10-220a(a) should be amended to incorporate mandated reporter training into the mandatory in-service training requirements for certified educators.

SDE Response:

SDE defers to DCF regarding its capacity to accomplish these recommendations.

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Recommendation #5:

- a) To ensure that all suspicious of abuse and neglect are reported to DCF, school districts should be required to maintain documentation of all allegations that school district employees or contractors have abused or neglected children. That documentation should be kept in a central location, and include a record of all DCF Hotline reports and notes of internal investigations regarding such allegations. Such documentation should be subject to State Department of Education review for quality assurance purposes.

SDE Response:

SDE agrees that districts should maintain documentation of all allegations of abuse and neglect. However, the SDE has concerns about requiring it's staff to review these documents for quality assurance purposes. SDE staff is not qualified to assess such documentation for confidentiality reasons and does not have the staff to conduct site visits. SDE recommends that DCF be tasked with the responsibility to conduct the reviews for quality assurance purposes.

Recommendation #6:

- a) DCF should utilize LINK—the computer system DCF uses to track and administer all reports to the DCF Hotline—to create a system for tracking delayed reporting, investigations of such delays, and school district responses to such delays.
- b) DCF should promulgate policies for investigating failures to make timely mandated reports, including considering referrals to law enforcement agencies and guidance on when DCF itself should impose mandated reporter training.
- c) The provisions of Conn. Gen. Stat. 17a-101a should be amended to broaden the range of possible remedies intended to promote compliance with mandated reporting by empowering DCF to impose civil penalties for failure to make timely mandate reports.

SDE Response:

- a) SDE defers to DCF as to this recommendation.
- b) SDE defers to DCF as to this recommendation.
- c) As to 6(c), SDE suggests that additional remedies should be adopted to promote compliance with the reporting requirements of superintendents in C.G.S. Sections 17a-101i and 10-221d(a), such as imposing civil penalties.

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Recommendation #7:

- a) The provisions of Conn. Gen. Stat. 17a-101c should be amended in the following respects: (1) to require DCF to notify the State Department of Education, or other state licensing authority, of all allegations of abuse or neglect lodged against an individual licensed by SDE, or such other agency; and (2) to require such notice regarding all DCF Hotline reports concerning suspected abuse or neglect in a school, rather than just reports made by mandated reporters.
- b) Conn. Gen. Stat. 17a-101b(d) should be amended to clearly define "person in charge" of a school.

SDE Response:

SDE supports these recommendations as well as DCF's proposed legislative changes.

Recommendation #8:

- a) Connecticut law should be modified to require school districts to provide information in the possession of the school to DCF immediately upon request by DCF.

SDE Response:

SDE supports recommendation 8 and the legislative proposal put forth by DCF to address this issue. However, SDE recommends that considerations be made to 1) clarify the type of information that the district must provide and whether there are any exceptions; 2) establish a process to ensure confidentiality; and 3) ensure immunity for school officials if confidentiality rules are broken for good cause.

Recommendation #9:

- a) Mandated reporting laws should be strictly adhered to.
- b) The moment that a mandated reporter in a school district has reasonable cause to believe that a child has been abused or neglected the mandated reporter should make the DCF hotline report.
- c) In those situations where DCF accepts the report for investigation, and/or a law enforcement investigation is under way, the school district should defer to the priority of the DCF/law enforcement investigation in order to avoid interfering with that investigation.

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- d) Regardless of the result of the DCF/law enforcement investigation the school district should conduct a proper human resources investigation when it will no longer impede the DCF/law enforcement investigation.

SDE Response:

SDE defers to DCF as to recommendation 9.

Recommendation #10:

- a) DCF should conduct regularly scheduled random quality assurance file reviews of school related investigations by DCF and provide appropriate remediation where necessary.
- b) DCF should assess how it can better support investigators when important leads are identified during the course of a DCF investigation and time to complete the investigation is running short.

SDE Response:

SDE defers to DCF as to recommendation 10.

Recommendation #11:

- a) After a DCF or law enforcement investigation, school districts should conduct their own investigation of allegations of improper conduct for the purpose of determining whether there is a violation of teacher or administrator codes of professional conduct, whether there is a violation of school district policy, whether disciplinary action is warranted, and whether it is appropriate to request revocation of certification through the State Department of Education.

SDE Response:

SDE supports this recommendation and suggests that DCF and SDE work together to establish a model protocol to conduct such a review.

Recommendation #12:

- a) Conn. Gen. Stat. 17a-101i should be amended to require DCF, rather than school district superintendents, to directly notify SDE of substantiated allegations regarding a certified school employee. DCF should still be required to notify the school district

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- superintendents in order for school districts to take appropriate human resources action.
- b) Conn. Gen. Stat. 17a-101i should be amended to require DCF to notify SDE when neglect, not just abuse as under current law, is substantiated and to permit DCF to share with SDE records related to investigations resulting in substantiations for abuse or neglect.
 - c) Conn. Gen. Stat. 17a-101i should be amended to require notice to SDE when neglect or abuse allegations are substantiated, regardless of whether the individual is placed on the DCF Child Abuse & Neglect Registry, if the individual is substantiated as "person entrusted with the care of a child," meaning a person given access to a child by a person responsible for the health, welfare or care of a child for the purpose of providing education, child care, counseling, spiritual guidance, coaching, training, instruction, tutoring or mentoring of such child.
 - d) Conn. Gen. Stat. 17a-101i should be amended to clarify that school districts must provide notice to SDE upon substantiation by DCF of an allegation of abuse or neglect, even if the individual resigns his or her current position.
 - e) DCF and SDE should coordinate an appropriate review which includes the databases of both agencies to ensure that SDE is made aware of all certified educators for which DCF has substantiated allegations of abuse and neglect.

SDE Response:

- a) SDE supports this recommendation and DCF's legislative proposal to address it. However, the Department further recommends that C.G.S. Section 17a-101i be amended to require districts to notify SDE of any substantiated allegation regarding certified subcontractors, as well as certified employees.
- b) SDE supports this recommendation and DCF's legislative proposal to address it.
- c) SDE supports this recommendation and DCF's legislative proposal to address it. However, the Department further recommends that C.G.S. Section 17a-101i be amended to require that DCF notify SDE when substantiated allegations are appealed.
- d) SDE supports this recommendation and DCF's legislative proposal to address it.
- e) SDE will work with DCF to adopt this recommendation including reviewing confidentiality laws that may currently prohibit this from occurring.

Recommendation #13:

- a) The State Department of Education should be prepared to initiate proceedings to revoke certification where warranted regardless of whether or not a school district requests revocation of an educator's certification.

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SDE Response:

SDE supports this recommendation and will work to implement it under the authority granted to it under C.G.S. Section 10-145b(m).

cc. The Honorable Dan Malloy, Governor Elect

**JOINT
STANDING
COMMITTEE
HEARINGS**

**HUMAN
SERVICES
PART 3
624 – 908**

2011

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STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES

Public Hearing Testimony

Human Services Committee

March 8, 2011



HB5431

HB 6326

HB 6362

H.B. No. 5433 (COMM) AN ACT CONCERNING REPORTS OF CHILD ABUSE AND NEGLECT AND THE RESPONSE OF SCHOOL DISTRICTS, THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF CHILDREN AND FAMILIES.

The Department of Children and Families is generally supportive of H.B. No. 5433, An Act Concerning Reports of Child Abuse and Neglect and the Response of School Districts, the Department of Education and the Department of Children and Families.

The bill codifies many of the recommendations from a report of the Attorney General and Child Advocate entitled "*Protecting Our Children: Improving Protections for Children When Allegations are Made that School System Personnel Abused and/or Neglected Children*" dated July 8, 2010 concerning investigations of reports of child abuse and neglect in schools. This report identified a number of areas in the statutory scheme governing mandated reporters, the investigation of child abuse and neglect and the sharing of information across all the involved systems that may need improvement. The full report is available via the Office of the Attorney General's website at - <http://www.ct.gov/ag/lib/ag/health/dcfedureport070810.pdf>

DCF believes that this bill provides a number of significant improvements in the area of information sharing between school officials and the Department when we are involved in investigating allegations of abuse or neglect by a school employee.

The Department suggests that the Committee consider a few modifications to further strengthen this bill. Specifically, we suggest that you consider the following:

- Line 117: schools are only permitted to deny employment if the person is on the Child Abuse and Neglect Registry for abuse. The Department believes that this should also include neglect. Placement on the registry requires a specific finding by DCF pursuant to section 17a-101g that a person "poses a risk to the health, safety or well-being of children." There are many instances of serious physical neglect which could result in inclusion on the registry.
- Lines 274 to 286: this bill doesn't permit disclosing an unsubstantiated investigation to the school and State Department of Education (SDE). The Department believes that it would be beneficial to the school employee, SDE and our staff if we can notify the school and SDE of the results of every investigation because it would close the loop in these investigations. In cases of unsubstantiated allegations, as well as substantiated allegations, SDE would then have a written record of the results.

- Lines 314 through 325: there appears to be an omission in the language in that notification to the Executive Director of a private school or institution is deleted. We believe that the brackets may be in the wrong place. The other omission is that this section also doesn't permit disclosure of unsubstantiated investigations.

We would also like to **raise a potential fiscal concern** regarding the mandated reporter training requirements contained in section 3 and 4 of the bill. While we welcome the opportunity to train educational professionals regarding their responsibilities to report suspected child abuse and neglect, we do not have adequate resources to train a large number of new employees in all of the school districts in a very short period of time at the beginning of each school year. The Department is exploring potential on-line training resources that might be able to address these concerns, but such trainings have yet to be developed.

As you know, the Human Services Committee has already favorably reported another related bill to the Education Committee: *H.B. No. 5431, An Act Concerning Notice by the Commissioner of Children and Families to the Commissioner of Education Concerning Allegations of Abuse and Neglect by a School Employee*. In addition, the Education Committee is also considering *H.B. No. 6326, An Act Concerning the Response of School Districts and the Departments of Education and Children and Families to Reports of Child Abuse and Neglect*. DCF suggests that ultimately the Human Services and Education Committees consolidate these concepts together, as many of the statutory changes in the various sections are interrelated. The Department is willing to work with the Committee in developing specific language as these bills move forward.

**H.B. No. 6362 (RAISED) AN ACT CONCERNING NOTICE BY THE
DEPARTMENT OF CHILDREN AND FAMILIES TO SCHOOL DISTRICTS TO
IDENTIFY FOSTER CHILDREN ATTENDING SCHOOL IN EACH DISTRICT.**

The Department of Children and Families **offers the following comments** regarding *H.B. No. 6362, An Act Concerning Notice by the Department of Children and Families to School Districts to Identify Foster Children Attending School in Each District*. This bill would require DCF to provide to a child's new school with the name, date of birth and school of origin for each child in the custody of the Department who has been placed in foster care.

DCF believes that this bill is unnecessary, as the Department already provides this information. Attached to this testimony, is the form that we provide to schools when a child is placed by DCF. This form is used whether the child is moved to a new school or remains in the school of origin.

H – 1111

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2011**

**VOL.54
PART 20
6542 – 6897**

the Clerk please call Calendar 471?

THE CLERK:

On page 19, Calendar 471, Substitute for House Bill 5431, AN ACT CONCERNING THE RESPONSE OF SCHOOL DISTRICTS AND THE DEPARTMENTS OF EDUCATION AND CHILDREN AND FAMILIES TO REPORTS OF CHILD ABUSE AND NEGLECT, favorable report of the Committee on Appropriations.

DEPUTY SPEAKER ORANGE:

Representative Fleischmann.

REP. FLEISCHMANN (18th):

Thank you, Madam Speaker. I move acceptance of the joint committee's favorable report and passage of the bill.

DEPUTY SPEAKER ORANGE:

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

REP. FLEISCHMANN (18th):

Yes, thank you, Madam Speaker.

Madam Speaker, the measure now before us addresses among the most serious issues one could imagine. You know, in the past few weeks we have sometimes heard people asking why are we dealing with

this bill before us now, this doesn't seem like such a serious issues. I'm doubtful that there's a single person in this chamber or a single person in this state who will ask such a question about the bill that is now before us. It represents a response to a report that was issued in July of last year by the Attorney General and the Office of Child Advocate.

And, for anyone who hasn't seen it, I commend them to go and visit the site of the Office of the Attorney General or child advocate and download this report. It contained truly shocking revelations about problems regarding school employees guilty of abuse or neglect of children in Connecticut Public Schools. We have all sorts of mandated public reporting laws but we unfortunately also have many people in our school systems administrators, teachers, other personnel who are woefully ill prepared to exercise those mandated reports and who have engaged in actions that I think most of us would be ashamed as public servants to know occurred.

There are dozens of examples in the report. The one that stood out most for me involved a teacher in Fairfield County who first had a complaint filed

against them in 1980, 31 years ago regarding inappropriate conversations he was having with female students. There were subsequent complaints in the 1980's, in the 1990's. In 1996 a seventh grader complained to the superintendent of the school that this teacher had made sexually explicit remarks to her. There were fifth and seventh graders reporting comments that were just entirely inappropriate. I wouldn't feel that I could -- that it would be right for me to read them on the floor of the House. This person was not properly investigated. The Department of Children and Families was never contacted. The school system failed to follow through on its mandated reporting; it thought it could handle the matter itself. Fast forward, it wasn't until 2003 after multiple failures by the school system to report multiple misdeeds by this individual, that an investigation finally found that there were thousands of inappropriate photos on the hard drive of this teacher's computer and this teacher left the teaching profession, was found -- and convicted of federal criminal charges and possession of child pornography and sentenced to 121 months in prison.

But, the first allegations against this teacher came in 1980. It took over 20 years for this person who was a pedophile in our schools to be properly, fully investigated and brought to justice. And, that's the reason that this bill is before us; that's the reason that this bill received overwhelming support from the Human Services Committee, the Education Committee and the Appropriations Committee; that's the reason that attorney's on our fifth floor spent months to refine this bill.

I'd like to thank those attorney's, in particular Attorney Chris Cordima. I'd like to thank the leadership of the Human Services Committee for all their hard work, the members of the Education Committee and Appropriations Committee who showed support. Madam Speaker, the Clerk is in support of an Amendment, LCO 8146. I ask that the Clerk please call and I be given permission to summarize.

DEPUTY SPEAKER ORANGE:

Will the Clerk please call LCO 8146, it will be designated House A.

THE CLERK:

LCO 8146, House A offered by Representatives

Fleischmann, et al.

DEPUTY SPEAKER ORANGE:

The Representative seeks leave of the chamber to summarize. Is there objection? Objection? Seeing none, Representative Fleischmann.

REP. FLEISCHMANN (18h):

Thank you, Madam Speaker. The bipartisan Amendment now before us does a few different things. First of all, it differentiates between those school employees who have a certificate authorization or permit and those who don't. and, it makes it clear that the kind of cross reporting between school districts, the State Department of Education and the Department of Children and Families that's required in the bill will apply to those who are holders of permits or certificates.

And, it makes clear that the sort of training that we're going to put in place will go into place but it lightens the requirements that it happen prior to the beginning of the school year allowing the Department of Children and Families to implement over several months. Last but not least, it requires that the Department of Children and Families develop a plan

for how we will apply this new approach to checking school employees against these data bases of pedophiles that the Department currently has. How we will apply those rules to those who lack certificates and permits, I move adoption.

DEPUTY SPEAKER ORANGE:

The question before the chamber is on adoption. Will you remark? Representative Fleischmann.

REP. FLEISCHMANN (18th):

Thank you, Madam Speaker. This Amendment before us takes a good bill and makes it better and it does so for a couple of reasons.

First and foremost, we are in the midst of a fiscal crisis and as the Office of Fiscal has shown, this Amendment completely wipes away any fiscal impact for this bill because what remains is entirely implementable by the Department of Children and Families within existing appropriations. And, for all of us in the midst of this fiscal crisis, that is a critical concern and this Amendment addresses that. In addition, it goes and creates a phased approach that says starting as soon as possible, we will have training, we will have proper reporting, for every

single school employee who holds a certificate or permit or authorization and we will immediately begin to develop a plan to cover all those other employees who don't hold those sorts of certificates so that hopefully a year from now, we will have all employees in public schools in Connecticut properly trained in their mandatory reporter responsibilities and properly protecting the children in our public schools.

I hope that friends of both sides of the aisle will join me in supporting this Amendment as they did in co-sponsoring it. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir. On House Amendment A, will you remark? Representative Gibbons.

REP. GIBBONS (150th):

Thank you, Madam Speaker and good evening.

DEPUTY SPEAKER ORANGE:

Good evening, Madam.

REP. GIBBONS (150th):

I stand in support of the Amendment and I just want to thank everybody who worked on it because it took us several hours between yesterday and last night and this morning to figure out exactly what we were

trying to cover in the bill, to take out the fiscal note, to add more mandated reporters to the list that we already have, to figure out who in the school system who is not certified should be included in the list that has to be required to be subject to a cross reference list for child abuse and neglect. I think we covered all of those things. I think we took out the fiscal note by saying that DCF can train these mandated reporters over the course of a year rather than the first two weeks of the school year which was at first required and that we are not going to have to add more staff to do it.

This is the report that Representative Fleischmann was referring to and it really is quite scary when you start reading some of the appendixes. We think that in our State of Connecticut how could this possible go on? And, it isn't just the children in the school, sometimes it's children at home and they're sort of giggling or they're sad or they're crying or they're just -- they don't know what to say because they have been abused at home and they're not quite sure if this is proper or not. And, if they come into a school and have any of these stories, then

that has got to be reported to DCF. If there are stories and problems within the school, that has got to be reported to DCF.

We are in a world today when we can no longer stand around and say I didn't really see that, that didn't happen, it wasn't as serious as that -- it was serious, it is serious. These are our children and we have to protect them. So, I'm not urging you all to read it, but if you need to go ahead. I think this bill covers a lot of problems that we've had in the past of not covering or uncovering these incidents and taking care of them. I stand in support of this Amendment.

DEPUTY SPEAKER ORANGE:

Thank you, Madam. Will you care to remark on House Amendment Schedule A? Schedule A? Representative Miner.

REP. MINER (66h):

Thank you, Madam Speaker. I got tangled up in Representative Williams' microphone. If I could, a few questions through you to the proponent of the Amendment, please, Madam Speaker?

DEPUTY SPEAKER ORANGE:

Please proceed, sir.

REP. MINER (66th):

Thank you, Madam Speaker. Madam Speaker, when this bill was before the Appropriations Committee, one of the concerns I think expressed by some was that there was a fiscal note and there was a question about whether that had been budgeted and I understand from the good gentleman, that there is no fiscal impact, in fact I think I'm reading the fiscal note on the Amendment and it says that the cost of the bill has been removed.

I guess what I don't understand is if the Office of Fiscal Analysis comes out with a fiscal note under the original drafting where there's an obligation on the part of one of our agencies to do something and then we offer an Amendment, still obligating them to do something but expanding the time, I see there's still a date in here, maybe the good gentleman could explain to me how it is that the financial responsibility for that has somehow gone away, through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Fleischmann.

REP. FLEISCHMANN (18h):

Through you, Madam Speaker. I don't claim to be a fiscal analyst but I'll do my best to parse the reasoning that underlies the fiscal note that's now before us. So, House Amendment A gets rid of the costs through a couple of mechanisms. First of all, the original bill said every single school employee had to be cross checked through the Department of Children and Families.

Under House A, it's only those who are holders of certificates or permits that have to be checked and those people are very easily cross checked. They are all tracked already by the State Department of Education so to go ahead and do a cross match using some basic software, it's a trivial challenge as compared to the checking and work with all these people who don't have permits.

So, that is the biggest way in which this amendment eliminates costs, that's \$125,000 costs eliminated. The other roughly \$23,000 of costs eliminated relates to the fact that if the Department of Children and Families had to go ahead and implement training that covered all school employees in two

weeks, they were going to have to go ahead and purchase a special computer module that would allow them to go ahead and implement web based training available to all school districts within two weeks.

By getting rid of the deadline, we make it possible for the Department of Children and Families to utilize folks involved in professional development who are currently in the employment of DCF to do their jobs over their course of a number of months instead of having an expensive computer program do the same job in two weeks, through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker. And, so as the gentleman has described it, we still have staff within DCF providing this activity, is that correct, through you, Madam Speaker?

DEPUTY SPEAKER ORANGE:

Representative Fleischmann.

REP. FLEISCHMANN (18h):

Through you, Madam Speaker. Yes. DCF is a very large agency. There are people there who are trained

to do this work. The report that Representative Gibbons talked about just moments ago, demonstrated that we haven't been as effective as we could be in making sure that DCF employees were interacting with all of the school employees that they ought to and this bill would remedy that situation, through you, Madam Chair.

DEPUTY SPEAKER ORANGE:

Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker. And, could the gentleman tell me on, I guess it's section 501, in section 501, line 16 and 17, where it talks about the plan having to be done by January 1, 2012, that is within this fiscal year, does the gentleman have any idea how many people would be involved in preparing that plan and how long that will take, through you.

DEPUTY SPEAKER ORANGE:

Representative Fleischmann.

REP. FLEISCHMANN (18h):

Through you, Madam Speaker. So, that's a plan for a roll out of training and cross checking for these nonpermitted or noncertified employees. You

know, it's -- there will probably be a handful DCF managerial level employees involved in the drafting of that plan. They have more than six months to do it. They will be able to do it as part of their current jobs. Sure, maybe some of them will have to put in a little extra time to go ahead and make sure that that plan is ready for us next session, but it is doable within available personnel and available resources according to our Office of Fiscal Analysis and our Department of Children and Families, through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker. Madam Speaker, the way this process has been described to me, not this specific process but just the general process which includes this, that being the process of funding, is that if in fact we don't appropriate any money and then assign a responsibility to an agency, the agency as I understand it is under no legal obligation to do anything.

And one of the concerns that we expressed I think

during the course of the Appropriations Committee meeting, is that perhaps we're establishing some paper process here, there really isn't going to have any teeth. I know having served on the Appropriations Committee now for a number of years, I've heard members complain that we have through the process of legislation directed agencies to do things within a prescribed period of time and then have not appropriated any funds to do it and then criticized them in the future when they don't get it done.

Madam Speaker, this is a very serious matter. I know the Chairman thinks it's a very serious matter, I'm sure the agency thinks it's a very serious matter. I'd like to hope that when we come back here next year, the dear Lord willing, these will all have been accomplished and we're not going to find out that because we didn't put any money here and managed to work the language so that we don't have a fiscal note that in fact the work does get done and we don't kind of get embarrassed in the process. Thank you.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Will you care to remark on the Amendment before us? On the Amendment?

Representative Srinivasan, you have the floor, sir.

REP. SRINIVASAN (31st):

Thank you, Madam Speaker. Through you, Madam Speaker to the proponent of the bill.

DEPUTY SPEAKER ORANGE:

Please proceed.

REP. SRINIVASAN (31st):

Thank you, Madam Speaker. We are all horrified by what happens in our school systems. Unfortunately, that is reality and I'm glad that we have this way by which we can address that. But, having said that, what I was not clear, and if I could, through you, to the proponent, we talked about abuse, child abuse that occurs in the school systems and I also neglect and are we addressing child abuse as well as neglect or is it child abuse alone and then could you define how we're going to look at neglect if that is going to be addressed, through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Fleischmann.

REP. FLEISCHMANN (18h):

Through you, Madam Speaker. The bill before us addresses both child abuse and child neglect. The

training that will be offered by DCF personnel to the mandated reporters in our school systems will help them to understand the full definitions of both terms, the warning signs for both occurrences. These are both serious ways in which children in Connecticut are hurt and they're both addressed by the bill, through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Madam Speaker. The child abuse as Representative Fleischmann addressed us, the examples that have occurred in the school, horrible instances over years, that I can understand. The child neglect that we are talking about, is that neglect that is occurring in the school or is it occurring at home that these people are trained to be aware of and pick up relatively soon, through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Fleischmann.

REP. FLEISCHMANN (18h):

Through you, Madam Speaker. Both.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

I'm sorry, if the Representative can repeat that, I didn't hear the answer.

DEPUTY SPEAKER ORANGE:

Representative Fleischmann.

REP. FLEISCHMANN (18h):

Through you, Madam Speaker, both.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Madam Speaker. Could the good Representative expand on school neglect? Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Fleischmann.

REP. FLEISCHMANN (18h):

Through you, Madam Speaker. Let me preface my remarks by saying that I am not an expert in the matter of child neglect. But, it's my understanding that for instance, if a teacher were to go ahead and choose to take a child whom they had targeted and seclude them in a closet for hours and hours while all

the other children were doing their school work, a child who is afraid of the dark, left in a dark closet and who emerged at the end of this period terrorized, that would, I believe, be considered as a matter of potential child neglect especially if you're talking about a small child. That's just not permissible to go ahead and leave them under no adult supervision for hours at a time.

So, that's the type of behavior that should never occur. It rarely occurs. When it does people who are trained pursuant to this bill will recognize it and will report it, through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

, Thank you, Madam Speaker. I do want to thank the Representative for clarification. I do agree it does not happen very frequently but when it does happen, it is good for these people to know that neglect can also unfortunately happen in our school systems. Through you, Madam Speaker, for the Representative enlighten on a certified employee and a noncertified employee in the school system because I believe we are going to be

training our certified employees first and as we all know, this child abuse and neglect unfortunately is not restricted to the certified employees alone and it can occur to anyone and I just want to be sure as to who is going to be trained first and is there a plan to train everyone in the school system, through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Fleischmann.

REP. FLEISCHMANN (18h):

Through you, Madam Speaker. It's my understanding that all school employees are mandated reporters and all will receive training, through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Thank you, Madam Speaker. Through you, Madam Speaker, to the Representative, this training that is being planned through DCF, will it be a one-time training or is it something that is going to be ongoing that is planned that people have to go back for recertification ever so often be it two years,

three years, whatever the requirement is, through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Fleischmann.

REP. FLEISCHMANN (18h):

Through you, Madam Speaker. I believe that this training occurs every three years at minimum, through you.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Thank you, Madam Speaker. And, through you, Madam Speaker, one more question for the Representative, I'm glad we do not have a fiscal note and that was removed, I mean obviously in the times that we are in this state, but I'm just concerned that the load on DCF to train a school one after the other and all schools in Connecticut, is that a load that the DCF will be able to take, carry and accomplish our goal of educating our certified employees of the school system, through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Fleischmann.

REP. FLEISCHMANN (18h):

Through you, Madam Speaker. Yes, just to expand slightly, the Department of Children and Families has a mandate of child protection that extends to providing this type of training. What the report showed that we weren't executing as well as we could. The Department has the personnel that's the reason that both the Department and the Office of Fiscal Analysis has reported to us that they will be able to do everything described in the measure as amended within available appropriations. It will happen because that is part of their current mandate and they have social workers and others employed to do this work, through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Madam Speaker. One more comment and as we all know unfortunately this abuse and neglect continues to happen and we have just seen recently what happened in a school where the school teacher insisted that the child or the children clean the bathrooms with the chemicals and the allergic reaction

that the children had and so this is something that we definitely need to address and I will definitely be supporting this bill and I want to thank the good gentleman for all his hard work. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Will you care to remark on House Amendment Schedule A? Representative Giuliano. Good evening, Madam.

REP. GIULIANO (23rd):

Good evening, Madam and thank you, Madam Speaker. I'd be happy to rise and support of this Amendment. You know, this Amendment offers an additional layer of scrutiny and protection of school children. I'm pleased to say that it was not only worked out in a thoroughly bipartisan manner, but it was worked out with quite conscientious collaboration from the Department, the Department of Children and Families.

It has eliminated the fiscal impact which has been a concern for those of us who have watched the process of what is an important bill but may have become a costly mandate on really an overburdened agency of our government. But, it offers an important

protection to our children in schools and it does so within existing staff. It expands in an important way a layer of scrutiny and protection and I ask my colleagues support. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, Madam. Will you care to remark further on the Amendment? Amendment A? Representative Sampson. Good evening, sir.

REP. SAMPSON (80th):

Good evening to you and thank you, Madam Speaker. I rise in support of this Amendment as well. I was one of the couple of no votes in the Appropriations Committee. Representative Miner already covered pretty much my concerns which were the fiscal note first and foremost, the seeming lack of clarity in who was covered and who was not covered as mandated reporters and finally, hard to put a real finger on but almost the concept of letting people off the hook have maybe not acted appropriately in the past because this particular bill did not exist. This amendment pretty much covers all of those concerns.

I want to thank the folks that went through the trouble of drafting this Amendment and addressing

those issues. I still am a little concerned that we are going to have the resources in DCF as it is to make sure that people are properly trained and I hope that we don't end up back here trying to correct that once again. But, based on the language in the Amendment my concerns have been addressed and I will be supporting the Amendment and the underlying bill going forward. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Will you care to remark further on House Amendment Schedule A? House amendment A? If not, let me try your minds. All those in favor please signify by saying aye.

HOUSE:

Aye.

DEPUTY SPEAKER ORANGE:

All those opposed, nay. The ayes have it. The Amendment is adopted.

Will you care to remark further on the bill as amended? Representative Bruce Morris, you have the floor.

REP. MORRIS (140th):

Good evening, Madam Speaker. The Clerk has an

amendment LCO 8032. I would ask the Clerk to please call the Amendment and that I be granted leave of the chamber to summarize.

DEPUTY SPEAKER ORANGE:

The Clerk is in possession of LCO 8032.

THE CLERK:

LCO 8032, House B offered by Representatives Morris, Tercyak and Senator Musto.

DEPUTY SPEAKER ORANGE:

Representative seeks leave of the chamber to summarize, is there objection? Is there objection? Seeing none, Representative Morris.

REP. MORRIS (140th):

Madam Speaker, this Amendment will push DCF to send over the proper documentation in a timely manner to the receiving school district on children in foster care within the district. I move for adoption.

DEPUTY SPEAKER ORANGE:

The question before the chamber is on adoption. Representative Morris.

REP. MORRIS (140th):

Yes, Madam Speaker, this Amendment came to us as a result of concerns that school districts have had

and certainly mine and others with a need to have information from DCF of children that are in foster care so that the proper nexus can be determined in billing, particularly as we need to identify those students who have special needs. I'm so grateful for the help, the assistance that Commissioner -- our new Commissioner Joette Katz and her staff have worked with us to understand the concerns the districts have had in having this information in a timely basis and certainly their support for this and again, I move adoption.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Will you care to remark on House Amendment Schedule B? Representative Gibbons.

REP. GIBBONS (150th):

Thank you, Madam Speaker. I stand in support of House Amendment Schedule B and I thank the good Representative for bringing this forward. This was a bill that he presented to the Human Services Committee earlier this year and this is the proper place to go and fold in with the other bills that we have on school children and how we take care of them and I think it's important that DCF be aware that when they

place children in a district, that it's not through nexus that they do so in a timely fashion, that they get the written records over so that the receiving school can both provide the services and be able to build the nexus school. So, I stand in support of this Amendment. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, Madam. Will you care to remark further on House Amendment Schedule B? Will you care to remark further on House Amendment B?

Representative Fleischmann.

REP. FLEISCHMANN (18h):

Thank you, Madam Speaker. Very briefly. I just wanted to commend Representative Morris for all the work that she put into this Amendment which is indeed a friendly amendment and will be very helpful to school districts in precisely the manner that Representative Gibbons just described. I hope all members will join us in supporting this Amendment.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Will you care to remark further on House Amendment Schedule B? Will you care to remark on House B? If not, let me try your minds.

All those in favor please signify by saying aye.

HOUSE:

Aye.

DEPUTY SPEAKER ORANGE:

All those opposed nay. The ayes have it.

Amendment B is adopted. Will you care to remark further on the Bill as amended? Representative Christopher Lyddy.

REP. LYDDY (106th):

Thank you, Madam Speaker. And, Madam Speaker I rise in strong support of this legislation this evening. I'd like to echo the remarks of the various ranking members and Chairman Fleischmann in regards to our great responsibility not only to educate our children, but to put them in a safe place so that they are able to live, learn and make a difference. It's unfortunate that we've had so many, so many disgusting situations in our schools that have been silent. Our children have been harmed tremendously.

And, although Representative Fleischmann didn't want to reference some of what was in the report, I'd like the chamber just to understand that this report highlights some very disgusting situations such as

children's ankles being taped to chairs, their wrists being taped, their mouths being taped, children laying across tables with administrators on top of them, children laying across administrators legs touching their buttocks. It's absolutely disgusting, Madam Speaker that we find ourselves today in this day and age silencing these absolutely appalling situations in our schools. Our children, our taxpayers deserve so much better.

So, I stand in support of this piece of legislation and I want to send a heartfelt thank you to the child advocate Jeanne Milstein as well as Attorney General Blumenthal and Attorney General George Jepsen for their work in pursuing this very difficult, thick, complex situation that leads many communities' families broken and very troubled.

You know, during a time when we are trying to restore the faith in our school system, this is a true blow and unfortunately this report although 68 pages detailing a number of significant findings from this joint investigation, we didn't read about it, although I think the Hartford Courant did have an issue on this, we didn't read about it, we didn't hear about it

on the news. You know, this type of situation needs to get attention.

A Representative's -- I'm not sure which -- said that fortunately this doesn't happen often. One time, Madam Speaker, is absolutely too often. We have no right not to pass this bill tonight and, Madam Speaker, I urge adoption and trust that our folks in the Senate will do the same. Thank you.

DEPUTY SPEAKER ORANGE:

Thank you, Representative. Will you care to remark further on the bill as amended? Representative Miner of the 66th, you have the floor, sir.

REP. MINER (66th):

Thank you, Madam Speaker. Thankfully, the good gentleman reminded me the other reason why I had some concerns about this bill. And, it wasn't his concern about what happened to children, it was my concern that the language, the existing current law required the very people that he talks about to have reported this situation.

This bill removes the brackets on line 213 down to 216 taking out coach of intramural or interscholastic athletics, school superintendants,

school teachers, school principal, school guidance counselors, school professional and school coach and replaces that with school employee. So, ladies and gentleman, every single person in that report, had an obligation under our current law, to report when a student was lying on the top of a table with a supervisor or being duct taped somewhere. This isn't about training. These people were properly trained, well educated paid handsomely as employees of municipalities all over this state and someone let this happen.

So, I understand that we feel people need to be trained, Madam Speaker, but to somehow excuse the people that allowed this to happen, in fact I think during the Appropriations Committee I suggested they should have been arrested for their inaction, but instead, somehow we condone their inaction by saying we need more training, we now have to train the trainer. I feel just as passionate and compassionate about the children that have been harmed that this bill intends to protect. But I do not think we should be taking any responsibility for the individuals that were listed under current law to have made that report

by taking their names out individually and now saying every employee of a school system is a mandated reporter.

As a grandfather, a coach, a Boy Scout chairman, I know what I'm supposed to report and what I'm not supposed to report. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Will you care to remark further? Representative Kirkley-Bey of the 5th, you have the floor, Madam.

REP. KIRKLEY-BEY (5th):

Madam Speaker, I just want to say thank you to all, but especially to Andy to Jeanne Milstein for bringing this bill before us. I don't think there's anything that makes you feel more uncomfortable or angry than to know that a child has been hurt. They're so innocent, they're so loving, that's it's just a horrible thing to hear. I have in my other life, I'm the director of a community center and we run a boys and girls club out of there and I have asked DCF if we are mandated reporters because we're not in the school system but we work with children all day long. And, I haven't received an answer yet and I

don't know if I have to receive training, but I have seen children that were neglected and we've tried to do our best to help them, but it's a very, very difficult challenge and I don't envy anybody that's in that position and I would think this bill makes everyone who works for the school system automatically have to go through that training and there's nothing so precious as a child.

DEPUTY SPEAKER ORANGE:

Thank you, Madam. Will you care to remark further? Representative Fleischmann.

REP. FLEISCHMANN (18h):

Thank you, Madam Speaker. Madam Speaker, I just wanted to sum up and to respond to something that I think unfortunately may have mischaracterized the measure before us. In absolutely no way does the bill before us condone any of the mistakes that were made and uncovered by the Attorney General and the child advocate. Absolutely in no way do we forgive those who failed to report, who failed to fulfill their responsibilities and absolutely no way do we say that that is acceptable, and absolutely no way do we let them off the hook. In fact, we expand the list of

people who are mandated to report, we strengthen the training that they receive and we make sure that they report properly.

Some of the things that happened involved people who were mandated reporters who thought they were fulfilling their responsibilities and didn't do so properly. Representative Miner is an extremely intelligent, capable individual and he probably knows that his responsibility is to immediately contact the Department of Children and Families. But, we have vice principals, principals and superintendents who were so ignorant as to believe that they personally could conduct an investigation, put together a report, and then contact DCF and say, oh I put together a report for you which is absolutely contrary to statute.

This bill remedies that serious problem so I hope the entire chamber will join me in supporting this measure. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you. Will you care to remark further on the bill as amended by House Amendments A and B? Representative Candelora of the 86th, you have the

floor.

REP. CANDELORA (86th):

Thank you, Madam Speaker. If I may, just a quick question to the proponent of the bill?

DEPUTY SPEAKER ORANGE:

Certainly, please proceed.

REP. CANDELORA (86h):

Thank you, Madam Speaker. In the minutes of a reporting section, what we're doing is replacing I guess the laundry list with a specific definition of school employee under sections 53A65 and in just looking at that language, I see it's broader and in section A the definition it sort of encompasses the traditional teachers and workers.

My question though is section B of that definition refers to any other person who is in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students. And, my question is I guess, does that definition mean to include just the employees of a school or would it pull in volunteers too, through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Fleischmann.

REP. FLEISCHMANN (18th):

Through you, Madam Speaker. Let me read the language of subsection B. It reads, any other person who in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in a public elementary, middle or high school pursuant to a contract with the local regional board or; II a private elementary, middle or high school pursuant to a contact with a supervisory agent of such private school. It's given that the language refers to contracts and duties. I think it's clear that what we are talking about is people who are employed not volunteers, through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Madam Speaker. So, in districts that have coaches that aren't paid but are volunteer coaches, would they be included in that definition, through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Fleischmann.

REP. FLEISCHMANN (18h):

Thank you, Madam Speaker. Well, first, let me point out that many coaches in our state actually are paid, though not sufficiently for the work that they do. For those who volunteer, I believe we have a separate statute regarding coaches that makes them mandated reporters as well, through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Madam Speaker. I appreciate the answer because that was just one of my concerns in our district we do have at the elementary levels, volunteer coaches that aren't paid and I was just concerned by making this amendment we may be excluding them as mandatory reporters inadvertently. But, I appreciate that clarification, thank you.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Will you care to remark further on the bill as amended by House Amendment Schedules A and B? Will you care to remark further? If not,

staff and guests please come to the well of house.

Members take your seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll
call. Members to the chamber. The House is voting by
roll call. Members to the chamber.

DEPUTY SPEAKER ORANGE:

Have all members voted? Have all members voted?
Please check the board to determine if your vote has
been properly cast. If so the machine will be locked
and the Clerk will take a tally. Will the Clerk
please announce the tally?

THE CLERK:

House Bill 5431 as amended by House Schedules A
and B.

Total number voting	146
Necessary for adoption	74
Those voting Yea	146
Those voting Nay	0
Those absent and not voting	5

DEPUTY SPEAKER ORANGE:

The bill as amended passes. Will the Clerk
please call Calendar 439?

S - 632

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2011**

**VOL. 54
PART 21
6546-6914**

mhr/cd/gbr
SENATE

514
June 7, 2011

Calendar 630, House Bill Number 6631.
Move to place on the Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Calendar 631, House Bill Number 6357.
Move to place on the Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

A final item on calendar page 32 is Calendar
632, House Bill Number 6642.

Move to place on the Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Moving to calendar page 33, Calendar 634, House
Bill Number 5431.

Madam President, move to place the item on the
Consent Calendar.

THE CHAIR:

mhr/cd/gbr
SENATE

515
June 7, 2011

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Calendar 636, House Bill Number 6100.

Move to place the item on the Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Moving to calendar page 34, Calendar 638, House
Bill Number 6525.

Madam President, move to place the item on the
Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Under matters returned from committee: moving
to calendar page 48, Calendar 399, Senate Bill
Number 1043.

Madam President, move to place the item on the
Consent Calendar.

THE CHAIR:

So ordered.

mhr/cd/gbr
SENATE

520
June 7, 2011

Mr. Clerk.

THE CLERK:

Immediate roll call's been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber. Immediate roll call's been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber.

THE CLERK:

Madam President, the items placed...

THE CHAIR:

I would ask the Chamber to be quiet please so we can hear the call of the Calendar for the Consent Calendar.

Thank you.

Please proceed, Mr. Clerk

THE CLERK:

Madam President, the items placed on the first Consent Calendar begin on calendar page 5, Calendar 336, House Bill 5697.

Calendar page 7, Calendar 421, Substitute for House Bill 6126.

Calendar page 8, Calendar 449, Senate Bill 1149.

mhr/cd/gbr
SENATE

521
June 7, 2011

Calendar page 10, Calendar 470, Substitute for House Bill 5340. Calendar 474, Substitute for House Bill 6274. Calendar 476, House Bill 6635.

Calendar page 12, Calendar 499, Substitute for House Bill 6638. Calendar 500, House Bill 6614. Calendar 508, House Bill 6222.

Calendar page 13, Calendar 511, House Bill 6356. Calendar 512, Substitute for House Bill 6422. Calendar 514, House Bill 6590. Calendar 515, House Bill 6221. Calendar 516, House Bill 6455.

Calendar page 14, Calendar 517, House Bill 6350. Calendar 519, House Bill 5437. Calendar 522, House Bill 6303.

Calendar page 15, Calendar 523, Substitute for House Bill 6499. Calendar 524, House Bill 6490. Calendar 525, House Bill 5780. Calendar 526, House Bill 6513. Calendar 527, Substitute for House Bill 6532.

Calendar page 16, Calendar 528, House Bill 6561. Calendar 529, Substitute for House Bill 6312. Calendar 530, Substitute for House Bill 5032. Calendar 532, House Bill 6338.

Calendar page 17, Calendar 533, Substitute for House Bill 6325. Calendar 534, House Bill 6352.

mhr/cd/gbr
SENATE

522
June 7, 2011

Calendar 536, House Bill 5300. Calendar 537, House
Bill 5482.

calendar page 18, Calendar 543, House Bill 6508.

Calendar 544, House Bill 6412. Calendar 546,
Substitute for House Bill 6538. Calendar 547,
Substitute for House Bill 6440. Calendar 548,
Substitute for House Bill 6471.

Calendar page 19, Calendar 550, Substitute for
House Bill 5802. Calendar 551, House Bill 6433.
Calendar 552, House Bill 6413. Calendar 553,
Substitute for House Bill 6227.

Calendar page 20, Calendar 554, Substitute for
House Bill 5415. Calendar 557, Substitute for House
Bill 6318. Calendar 558, Substitute for House Bill
6565.

Calendar page 21, Calendar 559, Substitute for
House Bill 6636.

Calendar page 22, Calendar 563, Substitute for
House Bill 6600. Calendar 564, Substitute for House
Bill 6598. Calendar 566, House Bill 5585.

Calendar page 23, Calendar 568, Substitute for
House Bill 6103. Calendar 570, Substitute for House
Bill 6336. Calendar 573, Substitute for House Bill
6434.

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SENATE

523
June 7, 2011

Calendar page 24, Calendar 577, Substitute for
House Bill 5795.

Calendar page 25, Calendar 581, House Bill
6354.

Calendar page 26, Calendar 596, Substitute for
House Bill 6282. Calendar 598, Substitute for House
Bill 6629.

Calendar page 27, Calendar 600, House Bill
6314. Calendar 601, Substitute for House Bill 6529.
Calendar 602, Substitute for House Bill 6438.
Calendar 604, Substitute for House Bill 6639.

Calendar page 28, Calendar 605, Substitute for
House Bill 6526. Calendar 608, House Bill 6284.

Calendar page 30, Calendar number 615,
Substitute for House Bill 6485. Calendar 616,
Substitute for House Bill 6498.

Calendar page 31, Calendar 619, Substitute for
House Bill 6634. Calendar 627, Substitute for House
Bill 6596.

Calendar page 32, Calendar 629, House Bill
5634. Calendar 630, Substitute for House Bill 6631.
Calendar 631, Substitute for House Bill 6357.
Calendar 632, House Bill 6642.

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SENATE

524
June 7, 2011

Calendar page 33, Calendar 634, Substitute for
House Bill 5431. Calendar 636, Substitute for
House, correction, House Bill 6100.

Page 34, Calendar 638, Substitute for House
Bill 6525.

Calendar page 48, Calendar 399, Substitute for
Senate Bill 1043.

Calendar page 49, Calendar 409, Substitute for
House Bill 6233. Calendar 412, House Bill 5178.
Calendar 422, Substitute for House Bill 6448.

Calendar page 52, Calendar 521, Substitute for
House Bill 6113.

Madam President, that completes the item placed
on the first Consent Calendar.

THE CHAIR:

Thank you, sir.

We call for another roll call vote. And the
machine will be open for Consent Calendar number 1.

THE CLERK:

The Senate is now voting by roll on the Consent
Calendar. Will all Senators please return to the
Chamber. The Senate is now voting by roll on the
Consent Calendar, will all Senators please return to
the Chamber.

mhr/cd/gbr
SENATE

525
June 7, 2011

Senator Cassano, would you vote, please, sir.

Thank you.

Well, all members have voted. All members have voted. The machine will be closed, and Mr. Clerk, will you call the tally?

THE CLERK:

Motion is on option Consent Calendar Number 1.

Total Number Voting	36
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

Consent Calendar Number 1 has passed.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

We might stand at ease for just a moment as we prepare the next item..

THE CHAIR:

The Senate will stand at ease.

(Chamber at ease.)