

A sample regulation to consider.

Students

Reporting of Child Abuse/Neglect or Sexual Assault

a. What Must be Reported

A report must be made when any mandated reporter of the Board of Education, in his/her professional capacity, has reasonable cause to suspect or to believe that a child under the age of eighteen: *(Mandated reporters include all school employees and those contracted by board and have regular contact with children, the Superintendent, administrators, teachers, substitute teachers, guidance counselors, school counselors, licensed behavior analysts, school paraprofessionals, coaches of intramural and interscholastic athletics, as well as licensed nurses, physicians, psychologists and social workers either employed by the Board or working in one of the District schools, or 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 District schools.)*

1. Is in danger of being or has been abused;
2. Has had non-accidental physical injuries or physical injuries which are at variance with the history given for them, inflicted by a person responsible for the child's health, welfare or care, or by a person given access to such child by a responsible person;
3. Has been neglected;
4. Has been sexually assaulted by a school employee; or
5. Has been placed in imminent risk of serious harm.

A mandated reporter's suspicions may be based on such factors, including but not limited to, as observations, allegations, and facts by a child, victim or third party. Suspicion or belief does not require certainty or probable cause.

Definitions

"Abused" means that a child (a) has had physical injury or injuries inflicted upon him or her other than by accidental means, or (b) has injuries which are at variance with the history given of them, or (c) is in a condition which is the result of maltreatment, such as, but not limited to, malnutrition, sexual molestation or exploitation, deprivation of necessities, emotional maltreatment or cruel punishment.

"Neglected" means that a child (a) has been abandoned, or (b) is being denied proper care and attention, physically, educationally, emotionally or morally, or (c) is being permitted to live under conditions, circumstances or associations injurious to his well-being, or (d) has been abused.

"School employee" (a) a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by the Board or who is working in an elementary, middle or high school; or (b) 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 the _____ Public Schools, pursuant to a contract with the Board.

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Definitions (continued)

“**Contractor**” includes anyone contracted by the board to perform a service who has regular contact with children.

“**Sexual assault**” means for the purposes of mandatory reporting laws and this policy; a violation of Sections 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a of the Connecticut General Statutes.

“**Statutory mandated reporter**” means an individual by CGS Sec. 17a-101 to report suspected abuse and/or neglect of children or sexual assault by a school employee. The term, “statutory mandated reporter” includes all school employees, as defined above.

“**Child Sexual Abuse Material**” replaces “Child Pornography” throughout the Connecticut Statutes (P.A. 24-118)

b. **Reporting Procedures for Statutory Mandated Reporters**

The following procedures apply only to statutory mandated reporters, as defined above.

1. When an employee of the Board of Education suspects or believes that a child has been abused, neglected, has been placed in imminent risk of serious harm, or sexually assaulted by a school employee, the following steps shall be taken:
 - (a) The employee shall immediately, upon having reasonable cause to suspect or believe that a child has been abused, neglected, or placed in imminent danger of serious harm, or has had non-accidental physical injury or injury which is at variance with the history or such injury, or sexually assaulted by a school employee and not later than twelve (12) hours after having such a suspicion or belief, make an oral report by telephone or in person to the Commissioner of Children and Families or his/her designee or the local law enforcement agency. The Department of Children and Families has established a 24-hour Child Abuse and Neglect Hotline (Careline) at 1-800-842-2288 to accept such oral reports.

Online reports may be made to the Careline by mandated reporters if the report is non-emergent. A non-emergent situation is one in which a report is mandated, but the child is not at immediate risk. *(Note: Mandated reporters reporting electronically when they reasonably suspect that a child has been abused, neglected, or placed at risk of imminent harm in a “non-emergent” situation can do so without risk that they will be subject to a failure to report finding and subsequent penalties.)*

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b. Reporting Procedures for Statutory Mandated Reporters (continued)

- (b) The employee shall also immediately make an oral report to the Building Principal or his/her designee and/or the Superintendent or his/her designee. If the building principal is the alleged perpetrator of the abuse/neglect, then the employee shall notify the Superintendent or his/her designee directly.
- (c) If a report prepared in accordance with Section (a) above concerns suspected abuse, neglect, or sexual assault by a school employee, the Superintendent or his/her designee shall immediately notify the child's parent or guardian that such a report has been made.
- (d) Not later than 48 hours after making an oral report, the employee shall submit a written report to the Commissioner of Children and Families, or his/her representative, containing all the required information. The written reports should be submitted on the DCF-136 form or any other form designated for that purpose.
- (e) The employee shall immediately submit a copy of the written report to the Principal and/or Superintendent or the Superintendent's designee.
- (f) If a report prepared in accordance with Section (c) above concerns suspected abuse, neglect or sexual assault by a school employee who possesses a certificate, permit or authorization issued by the State Board of Education, the Superintendent shall submit a copy of the written report to the Commissioner of Education, or his/her representative.

c. Mandated Report Preliminary Inquiries

- **Preliminary Inquiry (School Level):** The school administration shall conduct a Preliminary Inquiry immediately upon receipt of a report or suspicion of abuse or neglect. The sole purpose of this inquiry is to gather enough information to determine if there is "reasonable cause to suspect" that a child has been abused or neglected, thereby triggering the mandatory reporting obligation.
 - **Scope:** Limited to identifying the parties involved, confirming the timeline of the alleged incident, and ensuring the immediate safety of the student.
 - **Actions:** May include a brief conversation with the student or the reporting staff member.
 - **Limitation:** The Preliminary Inquiry shall not include a detailed forensic interview of the child, nor shall it be used to determine the ultimate truth of the allegations. Administrators must not "investigate" the incident in a way that could interfere with a future criminal or Department of Children and Families (DCF) investigation.

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c. Mandated Report Preliminary Inquiries (continued)

Formal Investigation

- A Formal Investigation is the comprehensive process conducted by DCF and/or Law Enforcement once a report has been filed.
 - **Scope:** A systematic evaluation of the child's safety, the family environment, and the validity of the allegations.
 - **Actions:** Forensic interviews, home visits, medical examinations, and the collection of physical evidence.
 - **School Role:** The Board of Education and its employees shall cooperate fully with the formal investigation but shall not conduct a parallel investigation unless specifically authorized by DCF or as part of a separate Title IX or personnel disciplinary process.

If the Preliminary Inquiry provides reasonable cause, the report must be made within 12 hours. The Preliminary Inquiry must never delay the report. If an administrator is unsure whether they have enough information, they are to make a report out of an abundance of caution.

d. Contents of Reports

Any report made pursuant to this policy shall contain the following information, if known:

1. The names and addresses of the child and his/her parents or other persons responsible for his/her care;
2. The age of the child;
3. The gender of the child;
4. The nature and the extent of the child's injury or injuries, maltreatment, or neglect;
5. The approximate date and time the injury or injuries, maltreatment, or neglect occurred;
6. Information concerning any previous injury or injuries to, or maltreatment or neglect of, the child or his/her siblings;
7. The circumstances in which the injury or injuries, maltreatment, or neglect came to be known to the reporter;
8. The name of the person or persons suspected to be responsible for causing such injury or injuries, maltreatment, or neglect;
9. The reasons such person or persons are suspected of causing such injury or injuries, maltreatment, or neglect;
10. Any information concerning any prior cases in which such person or persons have been suspected of causing an injury, maltreatment, or neglect of a child; and
11. Whatever action, if any, was taken to treat, provide shelter, or otherwise assist the child.

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d. Contents of Reports (continued)

For purposes of this section pertaining to the required reporting, a child includes any victim under eighteen years of age educated in a technical high school or District school. Any person who intentionally and unreasonably interferes with or prevents the making of the required report or attempts to conspire to do so shall be guilty of a class D felony, unless such individual is under eighteen years of age or educated in the technical high school system or in a District school, other than part of an adult education program. The mandatory reporting requirement regarding the sexual assault of a student by a school employee applies based on the person's status as a student, rather than his or her age.

e. Investigation of the Report

If the suspected abuser is a school employee, the Superintendent or his/her designee shall thoroughly investigate the report, provided that such investigation does not interfere with or impede the investigation by the Department of Children and Families or by a law enforcement agency. In all other cases, DCF shall be responsible for conducting the investigation, with the Board's cooperation and collaboration, as appropriate. To the extent feasible, this investigation shall be coordinated with the Commissioner of Children and Families or the police to minimize the number of interviews of any child and to share information with other persons authorized to conduct investigations of child abuse and neglect. When investigating a report, the Superintendent or his/her designee shall endeavor to obtain, when possible, the consent of parents or guardians or other persons responsible for the care of the child, to interview the child, except in those cases in which there is reason to believe that the parents or guardians or other persons responsible for the care of such child are the perpetrators or the alleged abusers.

The investigation shall include an opportunity for the suspected abuser to be heard regarding the allegations contained in the report. During an investigation of suspected abuse by a school employee, the Superintendent may suspend the employee with pay or place the employee on administrative leave with pay pending the outcome of the investigation.

A person reporting child abuse, neglect, or sexual assault shall provide any person authorized to conduct an investigation into such claim with all information related to the investigation that is in the possession or control of the person reporting child abuse, neglect, or sexual assault, except as expressly prohibited by state or federal law.

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e. Investigation of the Report (continued)

1. **Evidence of Abuse by Certain School Employees.** After an investigation has been completed, if the Commissioner of Children and Families, based upon the results of such investigation, has reasonable cause to believe that a child has been abused, neglected or sexually assaulted by an employee who has been entrusted with the care of a child or has recommended that such employee be placed on the Department of Children and Families abuse and neglect registry, the Commissioner shall notify within five (5) working days after the completion of the investigation into child abuse, neglect or sexual assault by a school employee, the Superintendent, the school employee, and the Commissioner of Education of such finding and shall provide records, whether or not created by the Department of Children and Families, concerning such investigation to the Superintendent and the Commissioner of Education. The Superintendent shall suspend the employee, if not previously suspended, with pay and without diminution or termination of benefits, if DCF has reasonable cause that the employee abused or neglected a child and recommends the employee be placed on the DCF child abuse and neglect registry. Not later than 72 hours after such suspension, the Superintendent shall notify the Board of Education and the Commissioner of Education, or his/her representative, of the reasons for the conditions of suspension. The Superintendent shall disclose records received from the Department of Children and Families to the Commissioner of Education and the Board of Education, or its attorney, for the purposes of review of employment status, certification, permit or authorization. Any decision of the Superintendent concerning such suspension shall remain in effect until the Board of Education Acts, pursuant to the provisions of Connecticut General Statutes. The Commissioner of Education shall also be notified if such certified person resigns from his/her employment in the District. Regardless of the outcome of any investigation by DCF and/or the police, the Superintendent and/or the Board, as appropriate, may take disciplinary action up to and including termination of employment in accordance with the provisions of any applicable statute, if the Superintendent's investigation produces evidence that a child has been abused by a certified, permit or authorized school staff member.

If the contract of employment of a certified school employee holding a certificate, permit, or authorization issued by the State Board of Education is terminated as a result of an investigation into reports of child abuse and neglect, the Superintendent shall notify the Commissioner of Education, or his/her representative, within 72 hours of such termination.

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e. Investigation of the Report (continued)

2. **Evidence of Abuse by Other School Staff.** If the investigation by the Superintendent and/or Commissioner of Children and Families did produce evidence that a child has been abused by a non-certified school staff member the Superintendent and/or the Board, as appropriate, may take disciplinary action up to and including termination of employment.
3. The District shall maintain records of allegations, investigations and reports that a child has been abused or neglected by a school employee. Such records will be maintained in the District's Central Office. The records shall include any reports made to the Department of Children and Families. The State Department of Education is to have access to all such records.
4. The Board shall provide to the Commissioner of Children and Families, upon request for the purposes of an investigation by the Commissioner of Children and Families of suspected child abuse or neglect by a teacher employed by the Board, any records maintained or kept in District files. Such records shall include, but not be limited to, supervisory records, reports of competence, personal character and efficiency maintained in such teacher's personnel file with reference to evaluation of performance as a professional employee of such board of education, and records of the personal misconduct of such teacher. (*"Teacher" includes each certified professional employee below the rank of Superintendent employed by a Board of Education in a position requiring a certificate issued by the State Board of Education.*)
5. The Board of Education shall permit and give priority to any investigation conducted by the Commissioner of Children and Families or the appropriate local law enforcement agency, if a child has been abused or neglected. The Board shall conduct its own investigation and take any disciplinary action, in accordance with the provisions of section 17a-101i of the general statutes, as amended, upon notice from the Commissioner or the appropriate local law enforcement agency that the Board's investigation will not interfere with the investigation of the Commissioner or such local law enforcement agency.
6. The Department of Children and Families will review, at least annually, with the State Department of Education all records and information relating to reports and investigations that a child has been abused and neglected by a school employee, in the Department of Children and Families' possession, to ensure that records and information are being shared properly.

f. Delegation of Authority by Superintendent

The Superintendent may appoint a designee for the purposes of receiving and making reports, notifying and receiving notification, or investigating reports pursuant to this policy.

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Reporting of Child Abuse/Neglect or Sexual Assault (continued)

g. **Special Reporting Procedures Concerning Suspected Abuse or Neglect of Intellectually Disabled Persons**

In addition to the reporting procedures set forth above, Connecticut General Statutes require that certain school personnel, including teachers, licensed nurses, psychologists, and social workers, report any suspected abuse or neglect of intellectually disabled persons over the age of 18. It is the policy of the Board of Education to require ALL EMPLOYEES of the Board of Education to comply with the following procedures in connection with the suspected abuse or neglect, as defined below, of any intellectually disabled person over the age of 18.

1. **Definitions.** For the purposes of this policy:

“**Abuse**” means the willful infliction of physical pain or injury or willful deprivation by a caretaker of services which are necessary to the person’s health or safety.

“**Neglect**” means a situation where an intellectually disabled person either is living alone or is not able to provide for him/herself the services which are necessary to maintain his/her physical and mental health, or is not receiving such necessary services from the caretaker.

2. **Reporting Procedures.** If an “employee” has reasonable cause to suspect that an intellectually disabled person has been abused or neglected, he/she shall, within five calendar days, make an oral report to the Director of the Office of Protection and Advocacy for Persons with Disabilities, to be followed by a written report within five additional calendar days, or shall immediately notify the Superintendent in order for the Superintendent to make such oral and written reports to the Office of Protection and Advocacy. If an employee reports to the Office of Protection and Advocacy, the employee shall immediately notify the Superintendent.

3. **Contents of Report:** Any such report shall contain the following information:

- (a) The name and address of the allegedly abused or neglected person;
- (b) A statement from the reporter indicating a belief that the person is intellectually disabled, together with information indicating that the person is unable to protect himself or herself from abuse or neglect;
- (c) Information concerning the nature and extent of the abuse or neglect; and
- (d) Any additional information that the reporter believes would be helpful in investigating the report or in protecting the intellectually disabled person.

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g. Special Reporting Procedures Concerning Suspected Abuse or Neglect of Intellectually Disabled Persons (continued)

4. **Investigation of Report.** If the suspected abuser is a school employee, the Superintendent shall thoroughly investigate the report following the procedures regarding the investigation of reports of child abuse set forth in paragraph e above. If the investigation by the Superintendent and/or the Office of Protection and Advocacy produces evidence that an intellectually disabled person has been abused by a school employee, the Superintendent and/or the Board, as appropriate, may take disciplinary Action, up to and including termination of employment.

h. Disciplinary Action for Failure to Follow Policy

Any employee who fails to comply with this policy's requirements shall be subject to discipline, up to and including termination of employment.

i. Non-Discrimination Policy

The Board of Education shall not discharge or in any manner discriminate or retaliate against any employee who, in good faith, makes a report pursuant to this policy or testifies or is about to testify in any proceeding involving abuse or neglect.

j. Training

All District employees are required to complete a training program pertaining to the accurate and prompt reporting of abuse and neglect, made available by the Commissioner of Children and Families. In addition, all employees must complete a refresher program at least once every three years. ~~Employees hired before July 1, 2011 must complete the refresher training program by July 1, 2012 and must retake it once every three years thereafter.~~

The School Principal shall annually certify to the Superintendent that each school employee working at his/her school has completed the required initial training and the refresher training.

k. Foster Care

Upon the Board of Education's request, the Department of Children and Families shall provide the name, date of birth, and school of origin for each child in its custody who has been placed in foster care and is attending a District school.

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Confidential Rapid Response Team

The District will establish, a confidential rapid response team to coordinate with DCF to (1) ensure prompt reporting of suspected child abuse or neglect; or 1st, 2nd, 3rd, or 4th degree sexual assault; 1st degree aggravated sexual assault; or 3rd degree sexual assault with a firearm of a student not enrolled in adult education by a school employee; and (2) provide immediate access to information and individuals relevant to DCF's investigation of such cases.

The confidential rapid response team consists of a local teacher, the Superintendent, a local police officer, and any other person the Board of Education deems appropriate.

DCF, along with a multidisciplinary team, is required to take immediate action to investigate and address each report of child abuse, neglect, or sexual abuse in any school.

Hiring Prohibitions

The Board of Education will not employ anyone who was terminated or resigned after a suspension based on DCF's investigation, if he or she has been convicted of (1) child abuse or neglect; or (2) 1st, 2nd, 3rd, or 4th degree sexual assault; 1st degree aggravated sexual assault; or 3rd degree sexual assault with a firearm of a student who is not enrolled in adult education.

The Board of Education will not employ an individual who was terminated or resigned, if he or she (1) failed to report the suspicion of such crimes when required to do so; or (2) intentionally and unreasonably interfered with or prevented a mandated reporter from carrying out this obligation or conspired or attempted to do so. This applies regardless of whether an allegation of abuse, neglect, or sexual assault has been substantiated.

Posting of DCF's "Careline"

The Board of Education will post the telephone number of the Department of Children and Families' child abuse hotline, Careline, and the Internet web address that provides information about the Careline in each District school in a conspicuous location frequented by students. Such posting shall be in various languages, most appropriate for the students enrolled in the school.

(cf. 4112.5/4212.6 – Personnel Records)

(cf. 5145.511 – Sexual Abuse Prevention and Education Program)

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- Legal Reference: Connecticut General Statutes
- 10-220a Inservice training. Professional development committees. Institutes for educators. Cooperating teacher program, regulations (as amended by PA 11-93)
 - 10-221d Criminal history records check of school personnel. Fingerprinting. Termination or dismissal (as amended by PA 11-93)
 - 10-221s Investigations of child abuse and neglect. Disciplinary action. (as amended by PA 16-188)
 - 17a-28 Definitions. Confidentiality of and access to records; exceptions. Procedure for aggrieved persons. Regulations (as amended by PA 11-93 and PA 14-186)
 - 17a-101 Protection of children from abuse. Mandated reporters. Educational and training program. Model mandated reporting policy. (as amended by PA 96-246, PA 00-220, PA 02-106, PA 03-168, PA 09-242, PA 11-93, PA 15-205, PA 18-15 and PA 18-17)
 - 17a-101a Report of abuse, neglect by or injury of child or imminent risk of serious harm to the child. Penalty for failure to report. Notification of Chief State's Attorney. (as amended by PA 02-106, PA 11-93, and PA 15-205, PA 18-15 and PA 18-17)
 - 17a-101b Report by mandated reporters. Notification of law enforcement agency when allegation of sexual abuse or serious physical abuse. Notification of person in charge of institution, facility or school when a staff member suspected of abuse or neglect.
 - 17a-101c Written or electronic report by mandated reporter.
 - 17a-101d Contents of reports
 - 17a-101e Employer prohibited from discriminating or retaliating against employee who makes a good faith report or testifies re child abuse or neglect. Immunity from civil or criminal liability. False report of child abuse. Referral to Office of the Chief State's Attorney. Penalty.
 - 17a-101g Classification and evaluation of reports. Determination of abuse or neglect of child. Investigation. Notice, entry of recommended finding. Referral to local law enforcement authority. Home visit. Removal of child in imminent risk of harm. Family assessment response program. Development of service plans and plans of care. Monitoring. Disclosure of information to community providers. Annual report.

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Legal Reference: Connecticut General Statutes (continued)

17a-101i Abuse or neglect by school employees or staff member of public or private institution or facility providing care for children. Notice. Adoption of policy. Employee training program.

17a-101o School employee failure or delay in reporting child abuse or neglect. Policy re delayed report by mandated reporters.

17a-106 Cooperation in relation to prevention, identification and treatment of child abuse/neglect.

10-151 Teacher Tenure Act.

DCF Policy 22-1-3 Mandated Reporter's Failure to Report

[Public Act 23-160 An Act Concerning Education Mandate Relief and Other Technical and Assorted Revisions to the Education and Early Childhood Education Statutes](#)

[Public Act 24-41 An Act Concerning the Expansion of the State's Paid Family and Medical Leave Program](#)

[Public Act 24-118 An Act Concerning the Protection of Consumers from Unfair Trade Practices and Regulation of Certain Consumer Protections](#)

Regulation approved:

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