

**Reports of Suspected Abuse or Neglect of Children or
Reports of Sexual Assault of Students by School Employees**

Conn. Gen. Stat. Section 17a-101 et seq. requires school employees who have reasonable cause to suspect or believe (1) that any child under eighteen has been abused or neglected, has had a nonaccidental physical injury, or injury which is at variance with the history given of such injury, or has been placed at imminent risk of serious harm, or (2) that any person who is being educated by the Technical Education and Career System or a local or regional board of education, other than as part of an adult education program, is a victim of sexual assault, and the perpetrator is a school employee, to report such suspicions to the appropriate authority. In furtherance of this statute and its purpose, it is the policy of the Madison Board of Education (“Board”) to require ALL EMPLOYEES of the Board of Education to report suspected abuse and/or neglect, nonaccidental physical injury, imminent risk of serious harm, or sexual assault of a student by a school employee, in accordance with the procedures set forth below.

1. Scope of Policy

This policy applies not only to school employees who are required by law to report suspected child abuse and/or neglect, nonaccidental physical injury, imminent risk of serious harm, or sexual assault of a student by a school employee, but to ALL EMPLOYEES of the Board of Education.

2. Definitions

For the purposes of this policy:

"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.

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"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" means (a) a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, school counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by the Board or who is working in a Board 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 Madison Public Schools ("District"), pursuant to a contract with the Board.

"Sexual assault" means, for the purposes of the mandatory reporting laws and this policy, a violation of Sections 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a of the Connecticut General Statutes. Please see Appendix A of this policy for the relevant statutory definitions of sexual assault laws and related terms covered by the mandatory reporting laws and this policy.

"Statutorily mandated reporter" means an individual required by Conn. Gen. Stat. Section 17a-101 et seq. to report suspected abuse and/or neglect of children or the sexual assault of a student by a school employee. The term "statutorily mandated reporter" includes all school employees, as defined above, any person who is a licensed behavior analyst, and any person who holds or is issued a coaching permit by the State Board of Education, is a coach of intramural or interscholastic athletics, and is eighteen years of age or older.

3. What Must Be Reported

- 65 a) A report must be made when any employee of the Board of Education in the
66 ordinary course of such person’s employment or profession has reasonable cause
67 to suspect or believe that any child under the age of eighteen years:
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- 69 i) has been abused or neglected;
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 - 71 ii) has had nonaccidental physical injury, or injury which is at variance with
72 the history given for such injury, inflicted upon him/her;
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 - 74 iii) is placed at imminent risk of serious harm; or
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- 76 b) A report must be made when any employee of the Board of Education in the
77 ordinary course of such person’s employment or profession has reasonable
78 cause to suspect or believe that any person, regardless of age, who is being
79 educated by the Technical Education and Career System or a local or regional
80 board of education, other than as part of an adult education program, is a victim
81 of the following sexual assault crimes, and the perpetrator is a school employee:
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- 83 i) sexual assault in the first degree;
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 - 85 ii) aggravated sexual assault in the first degree;
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 - 87 iii) sexual assault in the second degree;
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 - 89 iv) sexual assault in the third degree;
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 - 91 v) sexual assault in the third degree with a firearm; or
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 - 93 vi) sexual assault in the fourth degree.
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95 Please see Appendix A of this policy for the relevant statutory definitions of
96 sexual assault laws and related terms covered by the mandatory reporting laws
97 and this policy.

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99 c) The suspicion or belief of a Board employee may be based on factors including,
100 but not limited to, observations, allegations, facts or statements by a child or
101 victim, as described above, or a third party. Such suspicion or belief does not
102 require certainty or probable cause.

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104 4. Reporting Procedures for Statutorily Mandated Reporters

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106 The following procedures apply only to statutorily mandated reporters, as defined
107 above.

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109 a) When an employee of the Board of Education who is a statutorily mandated
110 reporter and who, in the ordinary course of the person's employment, has
111 reasonable cause to suspect or believe that a child has been abused or neglected or
112 placed at imminent risk of serious harm, or a student is a victim of sexual assault
113 by a school employee, as described in Paragraph 3, above, the following steps
114 shall be taken.

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116 (1) The employee shall make an oral or electronic report as soon as practicable,
117 but not later than twelve (12) hours after having reasonable cause to suspect or
118 believe that a child has been abused or neglected or placed at imminent risk of
119 serious harm, or a student is a victim of sexual assault by a school employee.

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121 (a) An oral report shall be made by telephone or in person to the
122 Commissioner of the Department of Children and Families (“DCF”) or the
123 local law enforcement agency. DCF has established a 24 hour Child
124 Abuse and Neglect Careline at 1-800-842-2288 for the purpose of making
125 such oral reports.

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127 (b) An electronic report shall be made in the manner prescribed by the
128 Commissioner of DCF. An employee making an electronic report shall
129 respond to further inquiries from the Commissioner of DCF or designee
130 made within twenty-four (24) hours. Such employee shall inform the
131 Superintendent or his/her designee as soon as possible as to the nature of
132 the further communication with the Commissioner or designee.

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134 (2) The employee shall also make an oral report as soon as practicable to the
135 Building Principal or his/her designee, and/or the Superintendent or his/her
136 designee. If the Building Principal is the alleged perpetrator of the
137 abuse/neglect or sexual assault of a student, then the employee shall notify the
138 Superintendent or his/her designee directly.

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140 (3) In cases involving suspected or believed abuse, neglect, or sexual assault of a
141 student by a school employee, the Superintendent or his/her designee shall
142 immediately notify the child's parent or guardian that such a report has been
143 made.

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145 (4) Not later than forty-eight (48) hours after making an oral report, the employee
146 shall submit a written or electronic report to the Commissioner of DCF or the
147 Commissioner's designee containing all of the required information. The
148 written or electronic report should be submitted in the manner prescribed by
149 the Commissioner of DCF. When such report is submitted electronically, the
150 employee shall respond to further inquiries from the Commissioner of DCF or
151 designee made within twenty-four (24) hours. Such employee shall inform the
152 Superintendent or his/her designee as soon as possible as to the nature of the
153 further communication with the Commissioner or designee.

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155 (5) The employee shall immediately submit a copy of the written or electronic
156 report to the Building Principal or his/her designee and to the Superintendent
157 or the Superintendent's designee.

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159 (6) If the report concerns suspected abuse, neglect, or sexual assault of a student
160 by a school employee holding a certificate, authorization or permit issued by
161 the State Department of Education, the Commissioner of DCF (or his/her
162 designee) shall submit a copy of the written or electronic report to the
163 Commissioner of Education (or his/her designee).

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165 5. Reporting Procedures for Employees Other Than Statutorily Mandated Reporters

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167 The following procedures apply only to employees who are not statutorily mandated
168 reporters, as defined above.

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170 a) When an employee who is not a statutorily mandated reporter and who, in the
171 ordinary course of the person's employment or profession, has reasonable cause
172 to suspect or believe that a child has been abused or neglected or placed at
173 imminent risk of serious harm, or a student is a victim of sexual assault by a
174 school employee, as described in Paragraph 3, above, the following steps shall be
175 taken.

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177 (1) The employee shall make an oral report as soon as practicable, but not later
178 than twelve (12) hours after the employee has reasonable cause to suspect or
179 believe that a child has been abused or neglected or placed at imminent risk of
180 serious harm or a student is a victim of sexual assault by a school employee.
181 Such oral report shall be made by telephone or in person to the Superintendent
182 of Schools or his/her designee, to be followed by an immediate written report
183 to the Superintendent or his/her designee.

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185 (2) If the Superintendent or his/her designee determines that there is reasonable
186 cause to suspect or believe that a child has been abused or neglected or placed
187 at imminent risk of serious harm or a student is a victim of sexual assault by a
188 school employee, he/she shall cause reports to be made in accordance with the
189 procedures set forth for statutorily mandated reporters.

191 b) Nothing in this policy shall be construed to preclude an employee reporting
192 suspected child abuse, neglect or sexual assault by a school employee from
193 reporting the same directly to the Commissioner of DCF.

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195 6. Contents of Reports

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

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200 a) The names and addresses of the child* and his/her parents or other person
201 responsible for his/her care;

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203 b) the age of the child;

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205 c) the gender of the child;

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207 d) the nature and extent of the child's injury or injuries, maltreatment or neglect;

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209 e) the approximate date and time the injury or injuries, maltreatment or neglect
210 occurred;

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212 f) information concerning any previous injury or injuries to, or maltreatment or
213 neglect of the child or his/her siblings;

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215 g) the circumstances in which the injury or injuries, maltreatment or neglect came to
216 be known to the reporter;

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218 h) the name of the person or persons suspected to be responsible for causing such
219 injury or injuries, maltreatment or neglect;

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221 i) the reasons such person or persons are suspected of causing such injury or
222 injuries, maltreatment or neglect;

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224 j) any information concerning any prior cases in which such person or persons have
225 been suspected of causing an injury, maltreatment or neglect of a child; and

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227 k) whatever action, if any, was taken to treat, provide shelter or otherwise assist the
228 child.

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230 *For purposes of this Paragraph, the term “child” includes any victim of sexual
231 assault by a school employee, as described in Paragraph 3, above.

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233 7. Investigation of the Report

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235 a) The Superintendent or his/her designee shall thoroughly investigate reports of
236 suspected abuse, neglect or sexual assault if/when such report involves an
237 employee of the Board of Education or other individual under the control of the
238 Board, provided the procedures in subparagraph (b), below are followed. In all
239 other cases, DCF shall be responsible for conducting the investigation with the
240 cooperation and collaboration of the Board, as appropriate.

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242 b) Recognizing that DCF is the lead agency for the investigation of child abuse and
243 neglect reports and reports of a student’s sexual assault by school employees, the
244 Superintendent's investigation shall permit and give priority to any investigation
245 conducted by the Commissioner of DCF or the appropriate local law enforcement
246 agency. The Superintendent shall conduct the District’s investigation and take
247 any disciplinary action, consistent with state law, upon notice from the
248 Commissioner of DCF or the appropriate local law enforcement agency that the
249 District’s investigation will not interfere with the investigation of the
250 Commissioner of DCF or the local law enforcement agency.

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252 c) The Superintendent shall coordinate investigatory activities in order to minimize
253 the number of interviews of any child or student victim of sexual assault and share

254 information with other persons authorized to conduct an investigation of child
255 abuse or neglect, as appropriate.

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257 d) Any person reporting child abuse or neglect or the sexual assault of a student by a
258 school employee, or having any information relevant to alleged abuse or neglect
259 or of the sexual assault of a student by a school employee, shall provide the
260 Superintendent with all information related to the investigation that is in the
261 possession or control of such person, except as expressly prohibited by state or
262 federal law.

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264 e) When the school district is conducting an investigation involving suspected abuse
265 or neglect or sexual assault of a student by an employee of the Board or other
266 individual under the control of the Board, the Superintendent's investigation shall
267 include an opportunity for the individual suspected of abuse, neglect or sexual
268 assault to be heard with respect to the allegations contained within the report.
269 During the course of such investigation, the Superintendent may suspend a Board
270 employee with pay or may place the employee on administrative leave with pay,
271 pending the outcome of the investigation. If the individual is one who provides
272 services to or on behalf of students enrolled in the District, pursuant to a contract
273 with the Board of Education, the Superintendent may suspend the provision of
274 such services, and direct the individual to refrain from any contact with students
275 enrolled in the District, pending the outcome of the investigation.

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277 8. Evidence of Abuse, Neglect or Sexual Assault by a School Employee

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279 a) If, upon completion of the investigation by the Commissioner of DCF
280 ("Commissioner"), the Superintendent has received a report from the
281 Commissioner that he or she has reasonable cause to believe that (1) a child has
282 been abused or neglected by a school employee, as defined above, and the
283 Commissioner has recommended that such employee be placed on the DCF Child
284 Abuse and Neglect Registry, or (2) a student is a victim of sexual assault by a
285 school employee, the Superintendent shall request (and the law provides) that

286 DCF notify the Superintendent not later than five (5) working days after such
287 finding, and provide the Superintendent with records, whether or not created by
288 DCF, concerning such investigation. The Superintendent shall suspend such
289 school employee. Such suspension shall be with pay and shall not result in the
290 diminution or termination of benefits to such employee.

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292 b) Not later than seventy-two (72) hours after such suspension, the Superintendent
293 shall notify the Board of Education and the Commissioner of Education, or the
294 Commissioner of Education's representative, of the reasons for and the conditions
295 of the suspension. The Superintendent shall disclose such records to the
296 Commissioner of Education and the Board of Education or its attorney for
297 purposes of review of employment status or the status of such employee's
298 certificate, permit or authorization, if any.

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300 c) The suspension of a school employee employed in a position requiring a
301 certificate shall remain in effect until the Superintendent and/or Board of
302 Education acts pursuant to the provisions of Conn. Gen. Stat. §10-151. If the
303 contract of employment of such certified school employee is terminated, or such
304 certified school employee resigns such employment, the Superintendent shall
305 notify the Commissioner of Education, or the Commissioner of Education's
306 representative, within seventy-two (72) hours after such termination or
307 resignation.

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309 d) The suspension of a school employee employed in a position requiring an
310 authorization or permit shall remain in effect until the Superintendent and/or
311 Board of Education acts pursuant to any applicable termination provisions. If the
312 contract of employment of a school employee holding an authorization or permit
313 from the State Department of Education is terminated, or such school employee
314 resigns such employment, the Superintendent shall notify the Commissioner of
315 Education, or the Commissioner of Education's representative, within seventy-two
316 (72) hours after such termination or resignation.

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318 e) Regardless of the outcome of any investigation by the Commissioner of DCF
319 and/or the police, the Superintendent and/or the Board, as appropriate, may take
320 disciplinary action, up to and including termination of employment, in accordance
321 with the provisions of any applicable statute, if the Superintendent's investigation
322 produces evidence that a child has been abused or neglected by a school employee
323 or that a student has been a victim of sexual assault by a school employee.

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325 f) The District shall not employ a person whose employment contract is terminated
326 or who resigned from employment following a suspension pursuant to Paragraph
327 8(a) of this policy and Conn. Gen. Stat. § 17a-101i, if such person is convicted of
328 a crime involving an act of child abuse or neglect or an act of sexual assault of a
329 student, as described in Paragraph 2 of this policy.

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331 9. Evidence of Abuse, Neglect or Sexual Assault by an Independent Contractor of the
332 Board of Education

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334 If the investigation by the Superintendent and/or the Commissioner of DCF produces
335 evidence that a child has been abused or neglected, or a student has been sexually
336 assaulted, by any individual who provides services to or on behalf of students
337 enrolled in the District, pursuant to a contract with the Board, the Superintendent
338 shall permanently suspend the provision of such services, and direct the individual to
339 refrain from any contact with students enrolled in the District.

340 10. Delegation of Authority by Superintendent

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

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346 11. Confidential Rapid Response Team

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348 The Superintendent shall establish a confidential rapid response team to coordinate
349 with DCF to (1) ensure prompt reporting of suspected abuse or neglect or sexual

350 assault of a student by a school employee, as described in Paragraph 2, above, and (2)
351 provide immediate access to information and individuals relevant to the department's
352 investigation. The confidential rapid response team shall consist of a teacher and the
353 Superintendent, a local police officer and any other person the Board of Education,
354 acting through its Superintendent, deems appropriate.

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356 12. Disciplinary Action for Failure to Follow Policy

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358 Except as provided in Section 14 below, any employee who fails to comply with the
359 requirements of this policy shall be subject to discipline, up to and including
360 termination of employment.

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362 13. The District shall not hire any person whose employment contract was previously
363 terminated by a board of education or who resigned from such employment, if such
364 person has been convicted of a violation of Section 17a-101a of the Connecticut
365 General Statutes, as amended, relating to mandatory reporting, when an allegation of
366 abuse or neglect or sexual assault has been substantiated.

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368 14. Non-Discrimination Policy/Prohibition Against Retaliation

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370 The Board of Education expressly prohibits retaliation against individuals reporting
371 child abuse or neglect or the sexual assault of a student by a school employee and
372 shall not discharge or in any manner discriminate or retaliate against any employee
373 who, in good faith, makes a report pursuant to this policy, or testifies or is about to
374 testify in any proceeding involving abuse or neglect or sexual assault by a school
375 employee. The Board of Education also prohibits any employee from hindering or
376 preventing or attempting to hinder or prevent any employee from making a report
377 pursuant to this policy or state law concerning suspected child abuse or neglect or the
378 sexual assault of a student by a school employee or testifying in any proceeding
379 involving child abuse or neglect or the sexual assault of a student by a school
380 employee.

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382 15. Distribution of Policy and Posting of Careline Information

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384 This policy shall be distributed annually to all school employees employed by the
385 Board. The Board shall document that all such school employees have received this
386 written policy and completed the training and refresher training programs required by
387 in Section 16, below. The Board shall post the Internet web site address and
388 telephone number for the DCF Child Abuse and Neglect Careline in a conspicuous
389 location frequented by students in each school under the jurisdiction of the Board.

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391 16. Training

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393 a) All new school employees, as defined above, shall be required to complete an
394 educational training program for the accurate and prompt identification and
395 reporting of child abuse and neglect. Such training program shall be developed
396 and approved by the Commissioner of DCF.

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398 b) All school employees, as defined above, shall take a refresher training course
399 developed and approved by the Commissioner of DCF at least once every three
400 years.

401 c) The principal for each school shall annually certify to the Superintendent that
402 each school employee, as defined above, working at such school, is in compliance
403 with the training provisions in this policy and as required by state law. The
404 Superintendent shall certify such compliance to the State Board of Education.

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406 17. Records

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408 a) The Board shall maintain in a central location all records of allegations,
409 investigations, and reports that a child has been abused or neglected by a school
410 employee employed by the Board or that a student has been a victim of sexual
411 assault by a school employee employed by the Board, as defined above, and
412 conducted in accordance with this policy. Such records shall include any reports

413 made to DCF. The State Department of Education shall have access to such
414 records upon request.

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416 b) Notwithstanding the provisions of Conn. Gen. Stat. §10-151c, the Board shall
417 provide the Commissioner of DCF, upon request and for the purposes of an
418 investigation by the Commissioner of DCF of suspected child abuse or neglect by
419 a teacher employed by the Board, any records maintained or kept on file by the
420 Board. Such records shall include, but not be limited to, supervisory records,
421 reports of competence, personal character and efficiency maintained in such
422 teacher's personnel file with reference to evaluation of performance as a
423 professional employee of the Board, and records of the personal misconduct of
424 such teacher. For purposes of this section, "teacher" includes each certified
425 professional employee below the rank of superintendent employed by the Board
426 in a position requiring a certificate issued by the State Board of Education.

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428 18. Child Sexual Abuse and/or Sexual Assault Response Policy and Reporting Procedure

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430 The Board has adopted a uniform child sexual abuse and/or sexual assault response
431 policy and reporting procedure in connection with the implementation of its sexual
432 assault and abuse prevention and awareness program, as outlined in Board Policy
433 #55120.4.2.5, Child Sexual Abuse and/or Sexual Assault Response Policy and
434 Reporting Procedure. Upon receipt of any report of child sexual abuse and/or sexual
435 assault from any source, a school employee shall report such suspicion to the Safe
436 School Climate Coordinator in addition to complying with his/her obligations under
437 this Policy and the law regarding mandatory reporting of abuse, neglect and sexual
438 assault.

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Legal References:

Connecticut General Statutes:

- Section 10-151 Employment of teachers. Definitions. Tenure.
Notice and hearing on failure to renew or
termination of contract. Appeal.
- Section 10-221s Posting of Careline telephone number in schools.
Investigations of child abuse and neglect.
Disciplinary action.
- Section 17a-101 et seq. Protection of children from abuse. Mandated
reporters. Educational and training programs.
Model mandated reporting policy.
- Section 17a-101q Statewide Sexual Abuse and Assault Awareness and
Prevention Program.
- Section 17a-103 Reports by others. False reports. Notifications to
law enforcement agency.
- Section 46b-120 Definitions.
- Section 53a-65 Definitions.

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