
OLR Bill Analysis

sHB 5243 (as amended by House "A")*

AN ACT CONCERNING THE IDENTIFICATION AND PREVENTION OF AND RESPONSE TO ADULT SEXUAL MISCONDUCT AGAINST CHILDREN.

SUMMARY

This bill makes various changes in laws on adult sexual misconduct against students and related matters.

The bill creates a mechanism by which adult sexual misconduct can be identified by requiring the Department of Public Health (DPH), starting with the 2022-23 school year, to biennially administer the Connecticut School Health Survey to randomly selected high schools. It requires the State Department of Education (SDE), in consultation with DPH, to develop a uniform parent notification policy and form related to the survey (§§ 1-3).

The bill also allows the Department of Children and Families (DCF), starting July 1, 2023, to include bystander and appropriate interaction with children training programs in its state-wide sexual abuse and assault awareness and prevention program's instructional modules. The bill extends these instructional modules to all school employees, starting in the 2023-24 school year. It also requires DCF to make certain related materials available to youth-serving and religious organizations upon their request (§§ 6 & 7).

The bill generally requires local and regional boards of education ("boards of education") to annually distribute the board's mandated reporter policy electronically to all school employees. It also requires these boards to annually distribute electronically, to all school employees, board members, and parents and guardians of enrolled students, (1) guidelines on identifying and reporting child sexual abuse, starting in the 2022-23 school year, and (2) information on DCF's sexual abuse and assault awareness and prevention program, starting in the

2023-24 school year (§ 5).

Starting July 1, 2023, it also requires school employees to complete training every three years on the (1) prevention and identification of, and response to, child sexual abuse and assault and (2) bystander and appropriate interaction with children training programs (§ 5).

The bill expands the list of mandated reporters to include paid youth camp staff members age 21 or older (§ 4).

It establishes a task force to study the sexual abuse and exploitation of children on the Internet or facilitated by in-state Internet users from 2019 through 2021 (§ 8).

Lastly, it expands the state's address confidentiality program by allowing victims of kidnapping, trafficking, or substantiated child abuse or children who are subjects of parental termination orders to participate (§§ 9-11).

*House Amendment "A", among other things, (1) requires DCF to include bystander and appropriate interaction with children training programs in its statewide sexual abuse and assault awareness and prevention program's instructional modules, rather than developing them in conjunction with various other agencies; (2) requires school boards to distribute the training program materials rather than include them in their in-service training, and requires school employees to complete related training every three years; (3) adds paid youth camp staff members who are age 21 or older to the mandated reporter list, instead of volunteers age 18 or older; and (4) adds the provisions establishing the task force and expanding the address confidentiality program.

It also removes from the underlying bill provisions on the statute of limitations for a mandated reporter's failure to report, victim sensitivity training program, hiring check list, DCF's framework on sexual misconduct in schools and the associated school board policies, and state board of education disciplinary action.

EFFECTIVE DATE: July 1, 2022, except the provisions on (1) SDE's parent notification policy and form (§ 3) and the child abuse and exploitation task force (§ 8) are effective upon passage and (2) expanding the list of mandated reporters (§ 4) is effective October 1, 2022.

§§ 1-3 — CONNECTICUT SCHOOL HEALTH SURVEY

The bill requires DPH, starting with the 2022-23 school year, to biennially administer the Connecticut School Health Survey to students in grades nine through 12, if the department receives funding from the federal Centers for Disease Control and Prevention (CDC) for it.

Under the bill, the survey must be (1) based on the CDC's Youth Risk Behavior Survey and (2) administered in the high schools the CDC randomly selects.

Additional Survey Questions (§§ 1 & 2)

The bill allows DPH to develop additional survey questions that are relevant to the health concerns of the state's high school students. If DPH does this, it must be in consultation with the departments of Children and Families, Education, and Mental Health and Addiction Services, and any other agency or public interest group DPH deems necessary.

It also requires the child advocate, in consultation with DPH and DCF and by October 1, 2022, to develop and update, as necessary, questions to assess the risk of youths becoming victims of sexual assault or misconduct by an adult. These questions must be included in the survey.

DPH Guidelines (§ 1)

The bill requires DPH to provide boards of education with guidelines on administering the survey, and the boards must do so according to these guidelines.

Under the bill, the guidelines must include the:

1. CDC survey protocol;

2. requirement to give parents the opportunity to exclude their children from the survey by denying permission in writing, on a DPH-prescribed form;
3. requirement for the survey to be anonymous and designed to protect student privacy;
4. timeframe for completing the survey; and
5. process for submitting survey results to the department.

SDE Uniform Parent Notification Policy and Form (§ 3)

The bill requires SDE, by January 1, 2023, and in consultation with DPH, to develop a uniform parental notification policy and form for boards of education to use in administering the survey.

Under the bill, SDE's uniform policy must address timely notification to the parents or guardians of students in grades nine to 12 about the Connecticut School Health Survey at least 21 days before the date the board will administer the survey.

It also requires SDE to develop a notification form for parents and guardians that includes (1) an explanation of the survey and how a parent or guardian may opt out and (2) the Internet link to the survey.

§ 6 — STATE-WIDE SEXUAL ABUSE AND ASSAULT AWARENESS AND PREVENTION PROGRAM

By law, DCF, in collaboration with SDE and Connecticut Alliance to End Sexual Violence, or a similar entity, must identify or develop a state-wide sexual abuse and assault awareness and prevention program for use by boards of education. The bill delays the deadline for DCF to develop the program until July 1, 2023, and correspondingly delays the deadline for school boards to implement the program until the 2023-24 school year.

Under current law, the program must include instructional modules for teachers that may include:

1. training on preventing, identifying, and responding to child

sexual abuse and assault and

2. resources to further student, teacher, and parental awareness about child sexual abuse and assault and their prevention.

Under the bill, starting July 1, 2023, these instructional modules (1) must be for all school employees, not only teachers, and (2) may include a bystander training program and an appropriate interaction with children training program.

Under the bill, a “school employee” is:

1. a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, school counselor, psychologist, social worker, nurse, physician, school paraprofessional, or coach (a) employed by a board of education or a private elementary, middle, or high school or (b) working in a public or private elementary, middle, or high school; or
2. anyone who, in the performance of his or her duties, has regular contact with students and provides services to or on behalf of students enrolled in a public or private elementary, middle, or high school, under a contract with the board of education or private school’s supervisory agent.

§ 7 — DCF MATERIALS TO CERTAIN ORGANIZATIONS

Starting July 1, 2023, the bill requires DCF to make available, upon request of a youth-serving organization or religious organization, any materials relating to the training regarding the (1) preventing, identifying, and responding to child sexual abuse and assault; (2) bystander training program; and (3) appropriate interaction with children training program.

§ 5 — BOARD OF EDUCATION POLICIES ON REPORTING CHILD ABUSE AND NEGLECT

Policy Distribution

By law, each board of education must adopt a written policy for the mandatory reporting of suspected child abuse or neglect by school

employees. (School employee has the same meaning as under § 6 above.)

Under existing law, the policy must be distributed annually to all school employees employed by the board. The bill requires that this annual distribution be done electronically.

Starting with the 2022-23 school year, the bill requires each local and regional school board to distribute a copy of the guidelines on identifying and reporting child sexual abuse developed by the governor's task force on justice for abused children. It must be distributed electronically to all school employees, board members, and the parents and guardians of students enrolled in the schools under the board's jurisdiction.

Starting with the 2023-24 school year, the bill requires each board of education to distribute electronically to all school employees, board members, and the parents and guardians of enrolled students, information on DCF's sexual abuse and assault awareness and prevention program (see § 6 above).

School Employee Training

Starting on July 1, 2023, the bill requires each school employee employed by a board of education to complete:

1. training on preventing, identifying, and responding to child sexual abuse and assault;
2. the bystander training program; and
3. the appropriate interaction with children training program.

Under the bill, each school employee must repeat the training at least once every three years.

§ 4 — MANDATED REPORTERS

The law generally imposes a legal responsibility on a specified class of individuals and entities (e.g., doctors, social workers, and school employees) to report to the appropriate authorities any reasonable

suspicion or belief that a child is being abused or neglected (“mandated reporters”).

The bill expands the list of mandated reporters to include paid youth camp staff members age 21 or older. Under existing law, paid youth camp directors and paid assistant directors are already mandated reporters.

By law, failure to report suspected child abuse or neglect is a class A misdemeanor if a mandated reporter fails to report within the prescribed time period. But it is a class E felony if the (1) violation is a subsequent violation; (2) violation is willful, intentional, or due to gross negligence; or (3) mandated reporter had actual knowledge that a child was abused or neglected, or a student was the victim of sexual assault.

§ 8 — TASK FORCE ON CHILD SEXUAL ABUSE AND EXPLOITATION

Purpose

The bill establishes a 9-member task force to study the sexual abuse and exploitation of children on the Internet, or facilitated by Internet users in the state, from January 1, 2019, through December 31, 2021.

The study must examine:

1. the types and frequency of this abuse and exploitation,
2. grooming tactics used by adults to engage in this abuse and exploitation, and
3. any barriers that may prevent the adequate or timely investigation or prosecution of this abuse and exploitation.

Members and Appointments

The task force includes the following members:

1. one appointed by the House speaker, who is a member of the Trafficking in Persons Council;
2. one appointed by the Senate president, who must have expertise

- in prosecuting child sexual abuse and exploitation originating online;
3. one appointed by the House majority leader, who represents a non-profit organization that raises awareness of online child sex abuse and exploitation;
 4. one appointed by the Senate majority leader, who must have expertise in data and behavioral trends concerning child sexual abuse and exploitation;
 5. one appointed by the House minority leader, who represents the Connecticut Police Chiefs Association;
 6. one appointed by the Senate minority leader, who represents the Alliance to End Sexual Violence;
 7. the DCF and Department of Emergency Services and Public Protection commissioners, or their designees; and
 8. the chief state's attorney or his or her designee.

All initial appointments must be made within 30 days after the bill passes and any vacancy must be filled by the appointing authority.

The Children's Committee's chairpersons must select the task force's chairperson from among its members. The task force chairperson must schedule the first task force meeting, to be held within 60 days after the bill passes.

The Children's Committee's staff must serve as the task force's administrative staff.

Reporting and Termination

The task force must report its findings and recommendations to the Children's Committee by January 1, 2023. The report must include the:

1. number of allegations of this abuse and exploitation reported to law enforcement;

2. number of these reports that resulted in arrest and the number that resulted in prosecution; and
3. to the extent the task force can determine, the reasons why certain allegations were not prosecuted.

The report must not contain personally identifying information concerning victims of child sexual abuse or exploitation.

The task force terminates when it submits the report or January 1, 2023, whichever is later.

§§ 9-11 — ADDRESS CONFIDENTIALITY PROGRAM

By law, the address confidentiality program, administered by the Secretary of the State (SOTS), allows certain victims to receive a substitute mailing address to keep their residential address confidential due to safety concerns (see BACKGROUND).

The bill expands the program by allowing the following individuals to participate:

1. victims of (a) 1st or 2nd degree kidnapping, (b) 1st or 2nd degree kidnapping with a firearm, or (c) human trafficking;
2. victims of child abuse that was substantiated by DCF and the basis for issuing a restraining order or civil protection order; and
3. children who are the subject of petitions to terminate parental rights granted by the court.

Current law already allows victims of family violence; injury or risk of injury to a child; 1st, 2nd, 3rd, or 4th degree sexual assault; 1st degree aggravated sexual assault; 3rd degree sexual assault with a firearm; sexual assault in a spousal or cohabiting relationship; or 1st, 2nd, or 3rd degree stalking to participate in the program.

Under the bill, SOTS must certify an application from any of the above persons if it is filed on the prescribed form and includes a statement made under penalty of false statement that the person, or the

person on whose behalf the application is filed, is such a victim or child and fears for their safety or that of any children living in the home. As under existing law, the application must also (1) be dated and signed, (2) designate SOTS as the agent for service of process and mailing purposes, (3) include supporting documentation, and (4) provide a Connecticut residential address and phone numbers, if available.

(Presumably, DCF, a temporary or permanent guardian, or adoptive parent would initiate the program application on a child's behalf, following a process determined by SOTS under its authority to adopt regulations for this program.)

BACKGROUND

CDC's Youth Risk Behavior Survey

Under existing agency practice, DPH biennially conducts the CDC's Youth Risk Behavior Survey, administered in Connecticut as the Connecticut School Health Survey, with funding provided through a cooperative agreement with the CDC. The CDC randomly selects approximately 50 high schools that are a representative sample of public high school students. DPH staff obtain permission from the CDC-selected schools to conduct the survey.

Address Confidentiality Program

By law, once an applicant to the address confidentiality program is certified by SOTS, he or she receives a substitute address. SOTS, as the participant's legal agent, receives any mail and service of process sent to that substitute address and forwards it to the participant's confidential address free-of-charge.

Participants may generally have (1) their street address omitted from voter registries, (2) correspondence from state agencies sent to their substitute address, and (3) their marriage records kept confidential. Participants may renew their certification every four years. SOTS may cancel a participant's certification under certain circumstances, but the participants may reapply at any time (CGS § 54-240 et seq. and Conn. Agencies Regs. § 54-240-1 et seq.).

Related Bill

sSB 123 (File 256), reported favorably by the Children's Committee, contains similar provisions as this bill on the address confidentiality program.

COMMITTEE ACTION

Committee on Children

Joint Favorable Substitute

Yea 12 Nay 1 (03/15/2022)