



**REPORT OF THE
ATTORNEY GENERAL & CHILD ADVOCATE**

**PROTECTING OUR CHILDREN:
IMPROVING PROTECTIONS FOR CHILDREN WHEN
ALLEGATIONS ARE MADE THAT SCHOOL SYSTEM
PERSONNEL ABUSED AND/OR NEGLECTED CHILDREN**

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TABLE OF CONTENTS

	EXECUTIVE SUMMARY	2
	FINDINGS AND RECOMMENDATIONS	2
I.	INTRODUCTION	8
II.	LEGAL FRAMEWORK	9
A.	BACKGROUND CHECKS	9
B.	MANDATED REPORTING OF ALLEGATIONS OF ABUSE AND/OR NEGLECT	11
C.	STANDARDS OF CONDUCT FOR SCHOOL PERSONNEL	12
D.	A STATUTORY AND REGULATORY SCHEME DESIGNED TO PROTECT CHILDREN	14
III.	THERE ARE SIGNIFICANT GAPS IN CHECKING THE BACKGROUNDS OF PROSPECTIVE SCHOOL DISTRICT EMPLOYEES	14
A.	THE STATE DEPARTMENT OF EDUCATION DOES NOT ROUTINELY CHECK THE DCF CHILD ABUSE & NEGLECT REGISTRY PRIOR TO LICENSING INDIVIDUALS AS TEACHERS, ADMINISTRATORS, OR COACHES	15
B.	SCHOOL DISTRICTS ARE NEITHER LEGALLY REQUIRED NOR SEEKING WAIVERS FROM PROSPECTIVE EMPLOYEES TO CHECK THE DCF CHILD ABUSE & NEGLECT REGISTRY WHEN HIRING EMPLOYEES	15
IV.	THERE ARE SIGNIFICANT GAPS IN MANDATED REPORTING OF SUSPECTED CHILD ABUSE OR NEGLECT	17
A.	SCHOOL DISTRICTS DO NOT REGULARLY REVIEW AND UPDATE THEIR MANDATED REPORTING POLICIES	17
B.	TRAINING OF MANDATED REPORTERS IS INADEQUATE	20
C.	MANDATED REPORTERS SOMETIMES FAIL TO MAKE REPORTS CONCERNING SUSPICION THAT SCHOOL EMPLOYEES HAVE NEGLECTED OR ABUSED A CHILD	21
D.	DCF DOES NOT HAVE A SYSTEM IN PLACE TO DOCUMENT AND ADDRESS EITHER THE FAILURE TO MAKE MANDATED REPORTS OR DELAYS IN MANDATED REPORTING	23
E.	THE STATE DEPARTMENT OF EDUCATION IS RARELY NOTIFIED OF MANDATED REPORTS CONCERNING CERTIFIED EDUCATORS	25

V.	THE QUALITY OF INVESTIGATIONS IS INADEQUATE	26
A.	DCF IS AT TIMES, HINDERED IN ITS INVESTIGATIONS DUE TO DELAYS OR REFUSALS BY SCHOOL DISTRICTS TO PROVIDE INFORMATION THAT IS RELEVANT TO ITS INVESTIGATION	27
B.	SCHOOL DISTRICTS OFTEN CONDUCT THEIR OWN INVESTIGATIONS PRIOR TO CONTACTING DCF OR THE POLICE, HINDERING THE ABILITY OF TRAINED INVESTIGATORS TO CONDUCT A PROPER INVESTIGATION	28
C.	THE QUALITY OF DCF INVESTIGATIONS IS INCONSISTENT	29
VI.	SCHOOL EMPLOYEES WHO ENGAGE IN MISCONDUCT ARE NOT ALWAYS HELD ACCOUNTABLE	33
A.	SCHOOL DISTRICTS DO NOT ALWAYS TAKE ADEQUATE ACTION TO HOLD EDUCATORS ACCOUNTABLE FOR INAPPROPRIATE CONDUCT	33
1.	<i>East Hartford</i>	33
2.	<i>New Haven</i>	34
3.	<i>Westport</i>	34
4.	<i>Southington</i>	35
5.	<i>Bridgeport</i>	36
B.	SCHOOL DISTRICTS SHOULD HOLD EDUCATORS ACCOUNTABLE FOR INAPPROPRIATE CONDUCT	37
C.	THE STATE DEPARTMENT OF EDUCATION IS OFTEN NOT NOTIFIED WHEN DCF SUBSTANTIATES ALLEGATIONS THAT A CERTIFIED SCHOOL EMPLOYEE HAS ABUSED OR NEGLECTED A CHILD	38
D.	THE STATE DEPARTMENT OF EDUCATION IS HANDICAPPED IN ITS ABILITY TO TAKE ACTION WITH RESPECT TO THE CERTIFICATION OF EDUCATORS WHO ARE SUBSTANTIATED FOR ABUSING OR NEGLECTING CHILDREN	40
	CONCLUSIONS AND RECOMMENDATIONS	45
	APPENDIX	48
A.	BRIDGEPORT SCHOOL DISTRICT	48
B.	NEW HAVEN AND EAST HARTFORD SCHOOL DISTRICTS	54
C.	SOUTHINGTON SCHOOL DISTRICT	60
D.	WESTPORT SCHOOL DISTRICT	62

EXECUTIVE SUMMARY

Every day, parents send their children to school trusting that school administrators, teachers, and staff will keep their children safe and provide positive educational and social experiences. They rely on government officials to ensure that the individuals in whom they place their trust are not only qualified but also appropriate to care for their children. The vast majority of school administrators, teachers, and staff, are dedicated professionals in whom the trust of parents is well placed. A few individuals, however, violate their trust and bring harm to the children they are supposed to be caring for and educating. When that happens, parents again rely on government officials to act swiftly and take action to protect their children.

This joint investigation of the Child Advocate and Attorney General explored the systems in place to protect children in schools, including the screening processes for certification of administrators, teachers and coaches; screening processes for hiring school employees; mandated reporting laws; the quality of investigations of allegations that school employees have abused or neglected children; and the responses of local school districts, the Department of Children and Families (DCF), and the State Department of Education (SDE). Our investigation revealed significant gaps both in the statutory and regulatory scheme as well as the policies and practices of local school districts, DCF, and SDE.

DCF maintains a confidential Child Abuse & Neglect Registry containing the names of all individuals whose abuse or neglect of a child has been substantiated and who the DCF Commissioner determines pose a risk to the health, safety or well-being of children. Although it has access to this Registry, the SDE does not conduct a DCF background check of teachers, administrators, and coaches prior to issuing or reissuing certifications. Only a tiny handful of school districts and private schools require employees to undergo a DCF background check prior to hiring. The extensive legal requirements regarding mandated reports of suspicion of abuse and/or neglect are not always adhered to. DCF does not have a systematic method in place to assist with enforcement of mandated reporting requirements. DCF investigations are often inadequate. Local school districts do not always adequately hold school employees accountable for misconduct. The SDE, which certifies teachers, administrators, and coaches, is often unaware of misconduct of those it certifies or re-certifies. Even when SDE is aware of such misconduct, it does not always take action in response to the information received.

As a result, Connecticut's current laws, policies, and practices are not adequate to ensure that individuals who have engaged in misconduct do not become employed in school districts or are promptly removed when such misconduct is first identified.

It is imperative that Connecticut address these critical system gaps. This report includes extensive recommendations designed to do just that.

FINDINGS AND RECOMMENDATIONS

1. Although the State Department of Education has access to the DCF Child Abuse & Neglect Registry, state law does not require the Department of Education to check the DCF Registry in connection with certification and employment decisions relating to teachers, administrators, or coaches and the State Department of Education does not routinely use the DCF Child Abuse & Neglect Registry for such purposes.

Recommendation:

- (a) The provisions of Connecticut General Statutes §10-221d should be amended to require the State Department of Education to check the DCF Child Abuse & Neglect Registry prior to issuing or renewing a certification.
2. School districts in Connecticut do not have access to the DCF Child Abuse & Neglect Registry unless they obtain waivers from prospective employees. However, school districts in Connecticut do not routinely seek waivers from prospective employees to check the DCF Child Abuse & Neglect Registry in connection with the hiring process.

Recommendations:

- (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.
3. All school districts do not regularly review and update mandated reporting policies, resulting in policies that are not consistent with current legal requirements.

Recommendations:

- (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 mandated reporter; (2) what must be reported; (3) the required time frame for both verbal and written mandated reports; and (4) that retaliation against mandated reporters for filing reports is prohibited.
 - (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 mandated reporter; (2) what must be reported; (3) the required time frame for both verbal and written mandated reports; and (4) that retaliation against mandated reporters for filing reports is prohibited.
 - (c) The provisions 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.
4. There is no system to ensure that all school district employees who are mandatory reporters are adequately trained with respect to their obligations as mandated reporters.

Recommendations:

- (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

- (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 and in accordance with such certification. 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.
5. Suspicion or belief of abuse or neglect by school employees is not always reported to DCF as required by law. Mandated reporters are required to report to DCF and those in charge of their school whenever they have reasonable cause to suspect or believe child abuse or neglect. Mandated reporters sometimes fail to report to DCF their suspicions that school employees have neglected or abused a child. Instead of filing reports with DCF as required by law, some mandated reporters simply inform their supervisors of their suspicions, who do not always report the matter to DCF or who only file reports after a significant delay.

Recommendation:

- (a) To ensure that all suspicions 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.
6. DCF does not have a system in place to document and address either the failure to make mandated reports or delays in mandated reporting.

Recommendations:

- (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.¹
- (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

¹ While we limit our recommendation here to school districts as that is the focus of this investigation, DCF should certainly consider this recommendation in the context of all mandated reporters.

reporting by empowering DCF to impose civil penalties for failure to make timely mandated reports.

7. Although the SDE is required to be notified of reports of abuse or neglect filed against licensed educators, gaps in legal reporting requirements and failure to follow existing requirements mean that the State Department of Education is rarely notified of mandated reports concerning certified educators. DCF does not notify the SDE directly of allegations of cases of abuse or neglect but instead is required to notify local school authorities. DCF only notifies school officials of reports of abuse or neglect filed by mandated reporters, not reports made by other individuals. Local school authorities do not always notify the State Department of Education of the reports made to them by DCF.

Recommendation:

- (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.
8. DCF is, at times, hindered in its investigations of abuse or neglect due to delays or refusal of school districts to provide information relevant to its investigation.

Recommendation:

- (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.
9. School districts often conduct their own investigations prior to contacting DCF or the police, hindering the ability of trained investigators to conduct a proper investigation.

Recommendation:

- (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.
- (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.

- (e) Good communication between school districts and law enforcement in actual cases should result in proper coordination.

10. The quality of DCF investigations is inconsistent and the investigations are not always complete or thorough.

Recommendations:

- (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.

11. School districts do not always take adequate action to hold educators accountable for inappropriate conduct.

Recommendations:

- (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.

12. When DCF substantiates an allegation of abuse by a certified school employee and places such employee on the DCF Child Abuse & Neglect Registry, DCF must inform the local superintendent of schools and the superintendent is required to suspend the employee and notify the Commissioner of Education. However, the State Department of Education is often not notified when DCF substantiates allegations that a certified school employee has abused or neglected a child. DCF is only legally required to report to school superintendents substantiated cases of abuse, not neglect, even if the individual is placed on the DCF Registry. DCF is not required to provide this information directly to SDE. Instead, it is the responsibility of the school superintendent to notify SDE. However, it appears that such notification to SDE does not always take place.

Recommendations:

- (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 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 or neglect.
13. Except in very rare circumstances, the State Department of Education takes no action to initiate proceedings to revoke educators’ certificates following a substantiation of abuse or neglect by DCF unless there is first a request to revoke made by a school district or other individual.

Recommendations:

- (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.

I. INTRODUCTION

The right to education is enshrined in the Connecticut Constitution. Conn. Const. Art. VIII, §1. As a general rule towns are required to maintain a public school system in which parents may enroll their children to be educated. Conn. Gen. Stat. §§10-15, 10-184. Parents trust school personnel to educate their children in a safe and secure environment. Unfortunately there are times when school employees are accused of abusing, neglecting, or otherwise placing children at risk of harm. When such allegations are made, it is critical that they be properly addressed to ensure the safety of all of Connecticut's children.

This report is the culmination of a joint investigation by the Child Advocate and the Attorney General concerning the manner in which allegations that school employees have abused and/or neglected children are addressed. The impetus for this review was several matters coming to the attention of the Child Advocate and/or Attorney General raising questions concerning the handling of such allegations by school districts and/or the Department of Children and Families (DCF).

Because the information available raised significant questions and concerns, the Child Advocate and the Attorney General jointly undertook a thorough review. The purpose of the investigation underlying this report was to identify areas of weakness and determine what systemic improvements could be implemented to ensure timely, adequate and appropriate responses to future misconduct by school employees that affect children. The investigation was more concerned with exploring systemic issues than outcomes in specific cases. In particular, investigators focused on policies and practices related to the screening of employees, reporting of allegations that a school employee abused or neglected a child, investigation of such allegations, and sharing of information between local school districts, the Department of Children and Families, and the State Department of Education. This investigation included an in-depth examination of five school districts in Connecticut: Bridgeport, East Hartford, New Haven, Southington and Westport.

Information was obtained through numerous subpoenas and requests for documentation. Investigators received and reviewed thousands of documents, including:

- policies applicable to investigating abuse and/or neglect claims against school employees;
- the policies and procedures of the five school district for the reporting of child abuse and neglect;
- the personnel files of the relevant school district employees, including documentation regarding the hiring, promotion, and discipline of the relevant employees;
- notes regarding internal school district investigations of allegations involving the relevant employees;
- correspondence between the school districts and parents, teachers, and other school staff regarding allegations of improper conduct;

- documentation from the local school districts related to their actions or inactions regarding allegations of child abuse or neglect by school district employees;
- DCF investigation protocols and LINK narratives;
- documentation of communications between DCF and school district administrators, parents, and the State Department of Education; and
- applicable records of the State Department of Education.

During the course of this investigation investigators interviewed numerous school personnel, including staff, school administrators, as well as the superintendents of schools for all of the districts we reviewed. Investigators also interviewed numerous DCF caseworkers, supervisors and managers.

In addition to the in-depth review of the five districts, investigator examined over 100 investigations conducted by the Department of Children and Families throughout Connecticut and the corresponding records in the possession of the State Department of Education, as well as relevant DCF and SDE data covering the entire state for the period from 2001 through 2009.

This extensive investigation revealed serious concerns about how schools, DCF, and the SDE respond to allegations that a school employee has abused or neglected a child. The concerns include significant shortcomings in the system for reporting allegations of child abuse and/or neglect, failure to enforce mandated reporting laws, inadequate investigations and serious weaknesses in the manner in which school personnel are held accountable. Moreover, the investigation revealed serious flaws in the manner in which educators are screened for certification and employment in the field of education.

II. LEGAL FRAMEWORK.

Existing Connecticut law provides a legal framework for protecting children from abuse and/or neglect in our schools. There are three prongs to this protection: (a) background checks to ensure that school employees do not have a prior history that disqualifies them from working with children; (b) mandated reporting of child abuse and neglect and investigation of such reports; and (c) code of conduct for school administrators, teachers and other personnel.

A. BACKGROUND CHECKS.

Prior to hiring, local boards of education are required to determine that prospective employees in fact hold a valid certificate or permit appropriate to the position to be filled.² Districts must inquire about criminal convictions and pending criminal cases at the time of application and require each person hired to complete a criminal background check within 30 days of employment.³ These provisions also apply to certain individuals who are not directly employed by the school but are working within the schools.⁴ In addition, the State Department of Education is required to periodically submit a database of applicants for an initial issuance of

² Regulations of Conn. State Agencies §10-145d-407(a).

³ Conn. Gen. Stat. §10-221d(a).

⁴ See Conn. Gen. Stat. §10-221d(a)(3).

certificate, authorization or permit as an educator to the State Police Bureau of Identification and to periodically submit a database of all persons who hold certificates, authorizations or permits to the State Police Bureau of Identification.⁵ The State Police Bureau of Identification is then required to notify the State Department of Education of any individual who has a state criminal conviction.⁶ The State Department of Education may deny or revoke a certificate, authorization, or permit based upon the results.⁷

It is important to note that certain individuals seeking employment in schools, such as paraprofessionals, occupational therapists, physical therapists and nurses, are not required to obtain a certificate, permit or authorization by the State Department of Education. Such individuals are, however, subject to a criminal background check prior to hiring.⁸

In accordance with Conn. Gen. Stat. §17a-101k, DCF maintains a registry of substantiated findings of abuse and neglect. When DCF finds that abuse or neglect has occurred, the DCF Commissioner must determine whether there is an identifiable person responsible for the abuse or neglect and whether that person poses a risk to the health, safety, or well-being of children and should be placed on the child abuse registry.⁹ Only those individuals who are determined to pose a risk to the health, safety, or well-being of children may be placed on the registry.¹⁰ Following this determination, there is an extensive process through which the person found by DCF to be responsible for abuse and neglect may appeal.¹¹ With few exceptions, the person's name is not placed on the registry until completion of the administrative process, and in some circumstances not until the completion of further appeals.¹²

The information contained in the DCF Child Abuse & Neglect registry is confidential and may not generally be released without the consent of the individual. There are several exceptions to this confidentiality. For example, a registry listing may be released to the Department of Public Health for purposes of determining suitability of such person for licensure, to any state agency which licenses such person to educate or care for children, and to the Department of Motor Vehicles for purposes of determining suitability for receiving a commercial operator's license with a school endorsement.¹³ A check of the confidential DCF Child Abuse & Neglect registry is required before the issuance of an operator's license for a school bus driver¹⁴ and for each prospective employee of a child day care center or group day care home¹⁵. In contrast, a check of the confidential DCF Child Abuse & Neglect registry is permitted, but not required, prior to the issuance of a certificate, permit, or authorization from the State Department of Education.

⁵ Conn. Gen. Stat. §10-221d(e) & (f).

⁶ Conn. Gen. Stat. §10-221d(e) & (f).

⁷ Conn. Gen. Stat. §10-221d(e) & (f).

⁸ Conn. Gen. Stat. §10-221d(a).

⁹ Conn. Gen. Stat. §17a-101k.

¹⁰ Conn. Gen. Stat. §17a-101k.

¹¹ Conn. Gen. Stat. §17a-101k.

¹² Conn. Gen. Stat. §§17a-101g(c) & (d), 17a-101k(f).

¹³ Conn. Gen. Stat. §17a-28(f)(5), (f)(6) & (f)(11).

¹⁴ Conn. Gen. Stat. §14-44(e).

¹⁵ Conn. Gen. Stat. §§19a-80(c) and 19a-87b; Regulations of Connecticut State Agencies §§19a-79-2a(b)(2)(H) and 19a-79-4a(b).

B. MANDATED REPORTING OF ALLEGATIONS OF ABUSE AND/OR NEGLECT.

To ensure timely and appropriate intervention when children are abused or neglected, Connecticut law requires certain people, referred to as mandated reporters, to report child abuse or neglect to the Department of Children and Families.¹⁶ The list of mandated reporters is extensive and includes medical professionals, certain school personnel, counselors, therapists, parole officers, child care workers, and certain state employees.¹⁷ Mandated reporters are required to file a report whenever, in the course of their employment, they have "reasonable cause to suspect or believe" that a child has been abused or neglected, has suffered a non-accidental physical injury or an injury at variance with the history given, or been placed in imminent risk of serious harm.¹⁸ Oral reports must be made within 12 hours of the time the mandated reporter has "reasonable cause to suspect or believe that a child has been abused or neglected or placed in imminent risk of serious harm."¹⁹ Written reports must follow within 48 hours of the oral report.²⁰

Connecticut's statute is designed to ensure the timely and accurate reporting of abuse and neglect. First, as stated above, the statute includes clear timeframes for the reporting of child abuse or neglect. Second, DCF is required to make training available to all mandated reporters.²¹ Third, the statute includes a financial penalty, of two to five hundred dollars, as well as mandated training, for mandated reporters who fail to report.²² Fourth, any person, institution, or agency that in good faith makes or does not make a report is immune from liability (civil or criminal).²³ This structure relies upon high quality training to all mandated reporters, as well as strong tracking of and imposition of penalties for failures to report.

¹⁶ Conn. Gen. Stat. §§17a-101, 17a-101a.

¹⁷ "The following persons shall be mandated reporters: Any physician or surgeon licensed under the provisions of chapter 370, any resident physician or intern in any hospital in this state, whether or not so licensed, any registered nurse, licensed practical nurse, medical examiner, dentist, dental hygienist, psychologist, school superintendent, coach of intramural or interscholastic athletics, school teacher, school principal, school guidance counselor, school paraprofessional, school coach, social worker, police officer, juvenile or adult probation officer, juvenile or adult parole officer, member of the clergy, pharmacist, physical therapist, optometrist, chiropractor, podiatrist, mental health professional or physician assistant, any person who is a licensed or certified emergency medical services provider, any person who is a licensed or certified alcohol and drug counselor, any person who is a licensed marital and family therapist, any person who is a sexual assault counselor or a battered women's counselor as defined in section 52-146k, any person who is a licensed professional counselor, any person paid to care for a child in any public or private facility, child day care center, group day care home or family day care home licensed by the state, any employee of the Department of Children and Families, any employee of the Department of Public Health who is responsible for the licensing of child day care centers, group day care homes, family day care homes or youth camps, the Child Advocate and any employee of the Office of Child Advocate." Conn. Gen. Stat. §17a-101(b).

¹⁸ Conn. Gen. Stat. §17a-101a.

¹⁹ Conn. Gen. Stat. §17a-101b.

²⁰ Conn. Gen. Stat. §17a-101c.

²¹ Conn. Gen. Stat. §17a-101(c).

²² Conn. Gen. Stat. §17a-101a. The fine constitutes a "violation" for the purposes of the Connecticut Penal Code. See Conn. Gen. Stat. §53a-27. Thus investigation and prosecution of such mandatory reporting violations is the responsibility of our criminal justice system. The State's Attorney is required to notify the Commissioner of Education of any convictions under these provisions. Conn. Gen. Stat. §10-149a.

²³ Conn. Gen. Stat. §17a-101e.

Connecticut's mandated reporter laws include specific language to address child abuse or neglect by school employees. When mandated reporters have reasonable cause to suspect that a child has been abused or neglected by a school employee, the mandated reporter must follow the same procedure for all mandated reports of abuse or neglect by filing with DCF an oral report within 12 hours and a written report within 48 hours.²⁴ Following the receipt of the mandated report the DCF Commissioner is then required to notify the person in charge of the school, unless that person is the alleged perpetrator, and the school is required to immediately notify the child's parent that a report has been made.²⁵ In addition, when the written report is filed, the reporter must submit a copy of the written report to the person in charge of the school.²⁶ If the alleged perpetrator is a school employee holding a certificate, authorization or permit from the State Board of Education, the person in charge of the school must send a copy of the report to the Commissioner of Education.²⁷ The statutory scheme, if followed, ensures not only that DCF investigates the mandated report but also that the Commissioner of Education is aware of all abuse and neglect reports on individuals holding a certificate, authorization, or permit from the State Board of Education.

Whenever a report of abuse or neglect is received by DCF, the Department classifies all mandated reports and responds within designated timeframes for initiation and completion of investigation.²⁸ DCF has adopted extensive policies to ensure the quality and timeliness of investigations.²⁹

C. STANDARDS OF CONDUCT FOR SCHOOL PERSONNEL.

Teachers, school administrators, and coaches who wish to be employed by any Connecticut board of education, including approved private special education facilities, must be properly certified by the State Department of Education.³⁰

In addition to licensure, the conduct of teachers and school administrators is governed by the Code of Professional Responsibility for Teachers and the Code of Professional Responsibility for School Administrators, established through regulation by the State Department of Education. These codes outline the educators' responsibilities to the student, the profession and the community, with the code for administrators enumerating additional responsibilities for administrators. Both codes provide guidelines for the ethical and professional conduct of teachers and school administrators and, as such, serve as a guide for decisions regarding license revocation.³¹

Among the ten responsibilities listed with respect to students, the Code of Professional Responsibility for Teachers states that teachers shall "[r]ecognize, respect and uphold the dignity and worth of students as individual human beings, and, therefore, deal justly and considerately

²⁴ Conn. Gen. Stat. §17a-101b(d).

²⁵ Conn. Gen. Stat. §17a-101b(d).

²⁶ Conn. Gen. Stat. §17a-101c.

²⁷ Conn. Gen. Stat. §17a-101c.

²⁸ Conn. Gen. Stat. §17a-101g.

²⁹ Regulations of Connecticut State Agencies §34-1, *et seq.*

³⁰ Regulations of Connecticut State Agencies §§10-145d-401 and 10-145d-423.

³¹ Regulations of Connecticut State Agencies §§10-145d-400a and 10-145d-400b.

with students”³² and “[n]urture in students lifelong respect and compassion for themselves and other human beings regardless of race, ethnic origin, gender, social class, disability, religion, or sexual orientation; , expressly prohibits the following conduct.”³³ In addition, the Code expressly prohibits the following:

- (A) Abuse his or her position as a professional with students for private advantage;
- (B) Sexually or physically harass or abuse students;
- (C) Emotionally abuse students; or
- (D) Engage in any misconduct which would put students at risk.³⁴

At any time, a board of education, superintendent, or any person with a legitimate interest may request revocation of the certificate or permit issued by the State Board of Education.³⁵ The State Board of Education may revoke certification for the following reasons:

- (A) The holder of the certificate, authorization or permit obtained such certificate, authorization or permit through fraud or misrepresentation of a material fact;
- (B) the holder has persistently neglected to perform the duties for which the certificate, authorization or permit was granted;
- (C) the holder is professionally unfit to perform the duties for which the certificate, authorization or permit was granted;
- (D) the holder is convicted in a court of law of a crime involving moral turpitude or of any other crime of such nature that in the opinion of the board continued holding of a certificate, authorization or permit by the person would impair the standing of certificates, authorizations or permits issued by the board; or
- (E) other due and sufficient cause.³⁶

The holder of the certificate or permit is entitled to notice and a hearing prior to revocation pursuant to regulations established by the State Board of Education. In addition, revocation is automatic when individuals are convicted of certain crimes, including capitol felony murder, arson murder, a class A felony, and a crime involving the abuse or neglect of a child.³⁷ The holder of the certificate, authorization, or permit may request reinstatement in accordance with regulations adopted by the State Board of Education.

When DCF has determined that an individual holding a certificate, authorization, or permit from the State Department of Education has abused a child and that the individual should be placed on the central registry, “the commissioner shall, not later than five working days after such finding, notify the employing superintendent of such finding.”³⁸ The DCF is further required to “provide records, whether or not created by the department, concerning such

³² Regulations of Conn. State Agencies §10-145d-400a(b)(1)(A).

³³ Regulations of Conn. State Agencies §10-145d-400a(b)(1)(C).

³⁴ Regulations of Conn. State Agencies §10-145d-400a(b)(2).

³⁵ Regulations of Conn. State Agencies §10-145d-612(b).

³⁶ Conn. Gen. Stat. §10-145b(m)(1).

³⁷ Conn. Gen. Stat. §10-145b(m)(2).

³⁸ Conn. Gen. Stat. §17a-101i(a).

investigation to the superintendent who shall suspend such school employee.”³⁹ The superintendent must then suspend the employee with pay and, within 72 hours, notify the local Board of Education and the state Commissioner of Education.⁴⁰ The paid suspension must remain in effect until the Board of Education takes action to terminate the contract with the employee.⁴¹ If the contract is terminated, the superintendent must notify the Commissioner of Education, within 72 hours of such termination, who may commence certification revocation proceedings.⁴² Certification may be revoked based upon the same criteria and process described above.

D. A STATUTORY AND REGULATORY SCHEME DESIGNED TO PROTECT CHILDREN.

The actions of the local school districts, the Department of Children and Families, and State Department of Education in response to allegations that a school employee has abused or neglected a child must be understood within the context of the existing legal framework outlined above. Likewise, the recommendations made in this report seek to address the significant gaps in this framework as well as the systemic gaps in implementation.

III. THERE ARE SIGNIFICANT GAPS IN CHECKING THE BACKGROUNDS OF PROSPECTIVE SCHOOL DISTRICT EMPLOYEES.

As noted above, DCF maintains a child abuse and neglect registry listing individuals who have been found by DCF to be responsible for abuse or neglect of a child and who the Commissioner has determined pose a risk to the health, safety, or well-being of children.⁴³ While this registry is confidential it is available to the State Department of Education in connection with licensing of educators.⁴⁴ School districts do not have automatic access to the registry, but could obtain access with the written consent of prospective employees.⁴⁵

School districts are required to conduct criminal history records checks of prospective employees.⁴⁶ The State Department of Education is required to conduct criminal history checks prior to issuing an initial license.⁴⁷ However, neither school districts nor the State Department of Education are required by law to check the DCF Child Abuse & Neglect Registry in connection with certification and/or employment decisions.

³⁹ Conn. Gen. Stat. §17a-101i(a).

⁴⁰ Conn. Gen. Stat. §17a-101i(a).

⁴¹ Conn. Gen. Stat. §17a-101i(a).

⁴² Conn. Gen. Stat. §17a-101i(a).

⁴³ Conn. Gen. Stat. §17a-101g(a).

⁴⁴ Conn. Gen. Stat. §17a-28(f)(6).

⁴⁵ Conn. Gen. Stat. §17a-28(b).

⁴⁶ Conn. Gen. Stat. §10-221d(a).

⁴⁷ Conn. Gen. Stat. §10-221d(e).

A. THE STATE DEPARTMENT OF EDUCATION DOES NOT ROUTINELY CHECK THE DCF CHILD ABUSE & NEGLECT REGISTRY PRIOR TO LICENSING INDIVIDUALS AS TEACHERS, ADMINISTRATORS, OR COACHES.

Our investigation revealed that, while SDE has the legal authority to conduct a check of the DCF child abuse and neglect registry, SDE is not routinely conducting these background checks prior to issuing licenses or at any time thereafter. During the period of time between August 1, 2007 and August 31, 2009, the State Department of Education only conducted 10 checks of the DCF Child Abuse & Neglect Registry. During that same period of time, the State Department of Education issued over 15,000 licenses, certificates or permits.

Because of this failure to conduct a DCF background check prior to licensure, individuals with a substantiated history of child abuse or neglect may be licensed by the SDE as a teacher, administrator, supervisor, or coach.

B. SCHOOL DISTRICTS ARE NEITHER LEGALLY REQUIRED NOR SEEKING WAIVERS FROM PROSPECTIVE EMPLOYEES TO CHECK THE DCF CHILD ABUSE & NEGLECT REGISTRY WHEN HIRING EMPLOYEES.

Unlike the State Department of Education, school districts do not have statutorily authorized access to the registry. School districts who wish to check the DCF registry are prohibited from doing so, unless they obtain written permission from the employee or prospective employee. Of the five districts reviewed in depth in the course of this investigation, none had a policy or practice of obtaining an employee waiver in order to be able to complete a check of the DCF child abuse and neglect registry. Indeed, data from the Department of Children and Families shows that between August 1, 2007 and August 31, 2009 only 5 public school districts and 3 private schools conducted any checks of the DCF registry prior to hiring.

Because DCF registry checks are not completed by the SDE or by school districts, an individual who has been found to have abused and neglected a child, even multiple children, could be licensed as a teacher, administrator, or coach without any examination of the findings. Similarly, individuals who have obtained a certification, authorization, or permit, who have been substantiated for abuse or neglect by DCF and placed on the registry, but whose license has not been revoked, may obtain employment without their prospective employer being aware of the substantiation.

It is also significant that not all substantiations for abuse or neglect are disclosed by a background check to the DCF Child Abuse & Neglect Registry. A substantiation is only disclosed if the individual has also been determined by DCF to pose a risk to the health, safety, or well-being of children.⁴⁸ Under certain circumstances, individuals are deemed to pose a risk to the health, safety, or well-being of children based solely upon the substantiation.⁴⁹ For example, individuals responsible for sexual abuse and individuals entrusted with the care of a

⁴⁸ Regulations of Conn. State Agencies §17a-101k-3.

⁴⁹ Regulations of Conn. State Agencies §17a-101k-3(b)(2).

child who are responsible for physical or emotional abuse would be registered.⁵⁰ Individuals who are responsible for physical neglect, medical neglect, emotional neglect or moral neglect, however, may be placed on the registry based upon an assessment involving a variety of factors established in regulation.⁵¹

Thus, it is possible for school employees to be substantiated for neglect and not placed on the DCF Child Abuse & Neglect Registry. Although DCF is required to notify the individual in charge of a school of each report of abuse or neglect by a school employee, and that individual in charge of a school is required to notify the Commissioner of Education, unless the school employee's certification is revoked that employee may seek employment at a different school or in a different district. In the course of our investigation, we identified two such cases. One is the case in Southington summarized in the Appendix in which a coach was substantiated for emotional neglect based on allegations that he had inappropriate physical contact with students. He was not placed on the registry, resigned from his position, and entered into an agreement requiring him to seek employment in another school district.

In another case, a teacher was substantiated for physical neglect based upon allegations that she repeatedly slapped the hands of a student with severe physical and intellectual disabilities in an effort to make him stop fidgeting (a result of his disability), made another child with intellectual disabilities stand in the rain without a coat in the winter because the child was perseverating on the rain, and made another child with physical and intellectual disabilities stand in the bathroom with the door closed so as not to disturb the other children with her grunting (the child's only form of communication. DCF substantiated for physical neglect, but did not substantiate for physical abuse. The teacher was not placed on the DCF Child Abuse & Neglect Registry. Ex. 518, 519. This teacher is now employed in a private school for children with significant disabilities. Ex. 520, 521, 563. This teacher continues to be a certified educator. Ex. 561.

A check of the confidential DCF Child Abuse & Neglect Registry is required before the issuance of an operator's license for a school bus driver⁵² and for each prospective employee of a child day care center or group day care home⁵³. There is no reason such checks should not be conducted for all school employees. However, some individuals who have been substantiated for abuse or neglect will not be on the registry. In those situations, citizens must rely on local school districts and the State Department of Education to take appropriate action with regard to disciplinary action and certification. Unfortunately appropriate action is not always taken, as discussed in Part V of this report below.

➤ **RECOMMENDATIONS.**

- (a) The provisions of Connecticut General Statutes §10-221d should be amended to require the State Department of Education to check the DCF Child Abuse & Neglect Registry prior to issuing or renewing a certification.

⁵⁰ Regulations of Conn. State Agencies §17a-101k-3(b)(2), (4).

⁵¹ Regulations of Conn. State Agencies §17a-101k-3(c)-(h)

⁵² Conn. Gen. Stat. §14-44(e).

⁵³ Conn. Gen. Stat. §§19a-80(c) & 19a-87b; Regulations of Conn. State Agencies §§19a-79-2a(b)(2)(H) and 19a-79-4a(b).

- (b) 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.
- (c) 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.

IV. THERE ARE SIGNIFICANT GAPS IN MANDATED REPORTING OF SUSPECTED CHILD ABUSE OR NEGLECT.

Mandated reporting of suspected child abuse or neglect is an important safety net. Numerous categories of people who have regular contact with children, including all sorts of educators and health professionals, are required to report to DCF promptly when they suspect that a child has been abused or neglected.⁵⁴ This facilitates the ability of DCF to promptly respond, thereby protecting the child. Mandated reporting only works when mandated reporters know what their responsibilities are and follow through by filing reports.

Our review of mandated reporting by school districts raised significant concerns. The school districts reviewed did not regularly review and update mandated reporting policies. Mandated reporter training was inadequate. All indications are that suspicion of abuse or neglect by school district employees is underreported. DCF does not have a systematic method for enforcing mandated reporting laws, including documenting and addressing delays in mandated reporting and failures to make timely reports. Further, the State Department of Education is often not provided notice of mandated reports concerning certified educators as required by law.

A. SCHOOL DISTRICTS DO NOT REGULARLY REVIEW AND UPDATE THEIR MANDATED REPORTING POLICIES.

Our investigators carefully evaluated the mandated reporting policies of the five school districts that we reviewed in depth. All of them had mandated reporter policies. None of the districts reviewed, however, updated policies annually or on any set schedule. This resulted in periods during which current policies⁵⁵ did not accurately reflect legal requirements. The most egregious example of outdated policies was in Westport. In addition to including outdated and incorrect timeframes for reporting, outdated and incorrect information regarding penalties, and an outdated list of mandated reporters, the policy refers to a section of the statute that was repealed in 1996 and refers to Department of Children and Families as the Department of Children and Youth Services, despite a name change in 1993. Ex. 226.

While Westport's policy stood out, all of the district's policies were flawed, some more significantly flawed than others. In two of the five districts reviewed, New Haven and Westport, the policy regarding mandated reporting did not include the proper time frame for reporting and

⁵⁴ Conn. Gen. Stat. § 17a-101, 101a.

⁵⁵ For purposes of this discussion, the "current" policy refers to the policy in effect at the time the school district produced documents to our investigators in connection with this investigation.

incorrectly stated that written reports were not required if the oral report was made.^{56 57} Ex. 114, 226. In one district, Southington, the policy included the correct timeframes but the corresponding school regulations did not.⁵⁸ Ex. 90a, 90b. In two districts, Westport, New Haven, the policies incorrectly, suggested that only abuse by school employees was required to be reported.⁵⁹ Ex 114, 226.

Two of the five districts reviewed had outdated information about the consequences of failure to report reasonable suspicion of child abuse or neglect. The mandated reporter policies in effect in New Haven and Westport stated that the penalty for failure to report was not more than \$500, despite the fact that the law was amended in 2002 to increase the maximum fine from \$500 to \$2500.⁶⁰ Ex. 114, 226.

Written mandated reporter policies should always conform to current law. Inconsistencies only generate confusion, especially when the relevant policies remain in effect long after the law had been modified.

Only one of the five districts reviewed, East Hartford, had a policy that accurately and clearly incorporated the requirements of Conn. Gen. Stat. §17a-101b(d), which require that the State Department of Education is notified when an individual holding a certificate, authorization, or permit is alleged to have abused or neglected a child. Ex. 159. One district, Bridgeport, included no information regarding the requirement. Ex. 452. One district, Southington, included the requirement but applied it only to instances where a child was alleged to have been abused by a school employee, thereby excluding reports regarding neglect.⁶¹ Ex. 90a. One district, New Haven, accurately stated this section of the law but the statement was immediately preceded by a statement that a written report was not necessary if an oral report had been made, thus creating confusion. Ex. 114. In addition, New Haven's policy includes a separate section related to school employees and the requirement that the Superintendent forward the written report to the State Department of Education was not included in that section. Ex. 114.

All of the five districts reviewed either did not list mandated reporters, included an incomplete list of mandated reporters, or included an inaccurate list of mandated reporters. Especially egregious was the Southington policy, in effect as of 2001, which specifically stated

⁵⁶ While New Haven Public Schools revised its policies subsequent to our investigation, it appears that the revised policy did not address this flaw.

⁵⁷ There was a short period of time several years ago where there was some confusion on this point. The provisions of Conn. Gen. Stat. §17a-101c trace back to 1996 Conn. Public Acts 96-246, §4, effective October 1, 1996. This provision changed the law to require a written report only if an oral report had not been filed. This limitation was removed by 1997 Conn. Public Acts 97-319, effective July 10, 1997. From that point forward the obligation under Conn. Gen. Stat. §17a-101c to file a written report existed independently, whether or not an oral report had been filed.

⁵⁸ Subsequent our investigation, Southington Public Schools revised its policy, in January of 2007, and repealed the regulations. Ex. 504.

⁵⁹ While New Haven Public Schools revised its policy subsequent to our investigation, it appears that the revised policy did not make revisions to address this flaw.

⁶⁰ New Haven Public Schools has since revised its policies to accurately reflect the statutory penalties. The revised policy, provided to our investigators in January 2010, continues to define abuse as it was defined in 1996, missing several important changes. Our investigators have received no documentation to indicate that Westport revised its policies subsequent to our investigation.

⁶¹ Subsequent to our investigation, Southington Public Schools revised its policy and this flaw has been corrected.

that paraprofessionals were not mandated reporters, despite the fact that they were added to the list of mandated reporters in 1992.⁶² Ex. 90b. The Southington school district regulation regarding mandated reporters, revised in 1995 and reviewed in August 2002, failed to list paraprofessionals, school coaches, and intramural or interscholastic athletic coaches.⁶³ Ex. 90c. This is particularly noteworthy as one of the cases examined during the courses of this investigation involved allegations brought by Southington school district paraprofessionals to their supervisor, who made a determination not to file a report to DCF of suspected child abuse or neglect. It was clear that these paraprofessionals were not provided with adequate information or training to ensure that they were aware of their obligations as mandated reporters, informed about how to identify abuse and neglect, or empowered to act on their own suspicion of abuse or neglect. The need for the paraprofessionals to have accurate information and training regarding mandated reporting requirements was heightened because the paraprofessionals were acting as chaperones for the basketball team as a result of allegations that a number of coaches, including the coach of the team being chaperoned, had been accused of inappropriate sexual conduct with students in the past.⁶⁴ Had the policy been accurate, and had all staff been properly trained, the incidents may have been reported to and investigated by DCF in a more timely fashion.

It is critical that mandated reporter policies accurately reflect the law, are written in clear and concise language, and accurately convey to all mandated reporters their obligations.

➤ **RECOMMENDATIONS.**

- (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 mandated reporter; (2) what must be reported; (3) the required time frame for both verbal and written mandated reports; and (4) that retaliation against mandated reporters for filing reports is prohibited.
- (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 mandated reporter; (2) what must be reported; (3) the required time frame for both verbal and written mandated reports; and (4) that retaliation against mandated reporters for filing reports is prohibited.
- (c) The provisions 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.

⁶² 1992 Conn. Public Acts 92-76.

⁶³ Intramural and Interscholastic athletic coaches were added in 2002. 2002 Conn. Public Acts 02-106. School coaches were added in 2002. 2002 Conn. Public Acts 02-138.

⁶⁴ Due to the passage of the statute of limitations, none of the coaches were prosecuted.

B. TRAINING OF MANDATED REPORTERS IS INADEQUATE.

Timely investigations can only be conducted by DCF when mandated reporters actually make timely reports of suspected child abuse or neglect. Similarly, mandated reporters must be aware of their responsibilities. Accordingly, we reviewed the practices of school districts with respect to mandated reporter training. We found significant gaps in mandated reporter training. In addition, practices among school districts varied widely.

DCF is required to make available to all mandated reporters an educational training program.⁶⁵ The DCF mandated reporter training curriculum is accurate and comprehensive. Those who attend DCF mandated reporter training sessions can be expected to be well informed of their obligations.

School districts are not, however, required to avail themselves of this considerable training assistance and many do not. The number of trainings provided by each DCF area office varies widely. For example, the Torrington and New Haven Metro Area Offices conducted no trainings of schools from July 2008 to June 2009 while Willimantic conducted 19 trainings of schools.

There is no data available from DCF to identify which schools within which school districts received DCF trainings. Nonetheless, it is clear that the number of trainings received by schools is inadequate to reach all necessary staff. Between July 2008 and June 2009, DCF conducted 130 trainings of school personnel throughout the state, reaching 3401 individuals. By contrast, there are 956 public schools and 383 non-public schools⁶⁶ and, as of October 2007, there were 77,812 certified and non-certified staff in Connecticut public schools alone.⁶⁷

Our investigation revealed that while school districts purported to provide mandated reporter training, data was not adequately maintained to support such a finding. The school districts reviewed required newly hired staff to receive mandated reporter training as part of orientation. The evidence suggests that the quality of such trainings varies. Some districts invite DCF to do this training and others do the training on their own. While all trainings should be provided by certified trainers, there is no way to ensure that trainings are conducted in keeping with the requirements. While the districts claimed that annual training was provided to all staff, documentation did not support this claim. Instead, school districts provided mandated reporter information or reminders to building administrators annually with little or no meaningful information maintained to memorialize whether those administrators further disseminated the information to the school staff under their supervision. Documentation provided often showed that mandatory reporting was on an agenda for an administrator's meeting along with other topics. Such meetings were short in duration and any discussion of mandated reporting could only have been cursory. For example, New Haven provided an agenda for an administrator's meeting showing that DCF Reporting was discussed. Only five minutes was allotted to the "training." Ex. 123.

⁶⁵ Conn. Gen. Stat. §17a-101(c).

⁶⁶Excluding Adult Education Programs, Connecticut's Schools by Type, http://www.csde.state.ct.us/public/cedar/edfacts/schools_by_type.htm.

⁶⁷Excluding adult education programs, Connecticut Certified Staff in Connecticut Public Schools, http://www.csde.state.ct.us/public/cedar/staff/tables/07-08/Table_A.xls.

Further, much attention was given in school districts to training school nurses, guidance counselors and school psychologists, with little attention to teaching staff or paraprofessionals. While school district administrators suggested that teaching staff and paraprofessionals were instructed to consult with such staff if a question regarding mandated reporting arose, this is simply not adequate. Teaching staff and paraprofessionals are mandated reporters with independent obligations to report. They have the most contact with students and must be appropriately trained to be able to identify situations in which a mandated report is required.

Mandated reporting is the very foundation of the system designed to protect children from abuse and neglect. Because compliance with mandated reporting laws cannot be achieved unless mandated reporters receive adequate training, the gaps in mandated reporter training must be addressed.

➤ **RECOMMENDATIONS.**

- (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 and in accordance with such certification. 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 to the mandatory in-service training requirements for licensed educators.

C. MANDATED REPORTERS SOMETIMES FAIL TO MAKE REPORTS CONCERNING SUSPICION THAT SCHOOL EMPLOYEES HAVE NEGLECTED OR ABUSED A CHILD.

During the course of this investigation we reviewed the process of reporting suspected abuse or neglect by school district personnel. We found numerous examples of practices in school districts that have the effect of strongly discouraging reporting to the DCF Hotline. This leads us to believe that suspected abuse or neglect by school district personnel is underreported.

From our interviews of numerous school district personnel in several school districts it is clear that the reluctance of mandated reporters to actually make the legally required reports to DCF is pervasive. Numerous school employees from several school districts reviewed expressed a reluctance to file reports due to a strong fear of retaliation.⁶⁸

⁶⁸ Current Connecticut law expressly prohibits retaliation for filing mandated reports and even authorizes legal action against employers who so retaliate for civil penalties not to exceed \$2500 and/or injunctive relief. Conn. Gen. Stat. §17a-101e. The greater problem is fear of retaliation. None of the instances that we reviewed were actionable

In more than one school district, information regarding allegations of child abuse or neglect was provided to school district officials by children, parents or other school employees only to fall on deaf ears. There were several examples of allegations that were discounted based on a belief that the person making the complaint was a disgruntled employee. In these instances, no effort was made to determine if there was a reasonable suspicion of abuse or neglect. In the cases we reviewed, there was in fact a reasonable suspicion of abuse or neglect and the mandated reporter (often several mandated reporters) failed to report.

For example, in New Haven, a school employee made allegations that a school principal made inappropriate comments of a sexual nature to students and had physically abused students. Ex. 133. The employee made these allegations both verbally and in writing to the Superintendent and the Board of Education. Ex. 133. The allegations made clearly raised a reasonable suspicion of abuse and should have been reported to DCF within 12 hours. Instead, because the employee was labeled as “disgruntled,” and someone who didn’t like the good work the new principal was doing, the school district took no action, other than to send a copy of the letter to the school district attorney approximately one month later.⁶⁹ Ex. 133. This was so even though the principal had been the subject of previous complaints and the administration had received other complaints that corroborated at least some of the allegations made by the school employee. Ex. 107.

In Southington, several paraprofessionals who were mandated reporters failed to report their concerns directly to DCF. The paraprofessionals were aware of what they felt was inappropriate conduct by other school employees, reported it to their supervisors repeatedly, and had serious concerns about the limited response of the school district. However, none of these staff filed a mandated report with the DCF. None of the paraprofessionals had received mandated reporter training and the school’s policy explicitly stated they were not mandated reporters, contrary to Connecticut law.

Several examples of delayed reports were also identified during a review of approximately 100 DCF investigations. For example, in one case, a parent complained to a school principal that a coach was “sexting” students. The school principal did not make a mandated report until the parent put his complaints in writing and provided documentation to support the parent’s claims. Ex. 506. In another case in which a school employee was alleged to have physically abused a child, several mandated reporters complained to DCF that they brought concerns about a particular school employee to the attention of the principal but the principal “swept it under the rug.” Ex. 508. The vice principal indicated she didn’t file a report because she didn’t want to be insubordinate. Ex. 508.

More than one district indicated that the school district conducts an internal investigation before reporting allegations regarding school employees to DCF. In some instances, such “internal investigations” result in a decision not to file a report with DCF. For example, in one case reviewed in New Haven, a parent reported physical abuse by a school principal to the

instances of retaliation having actually occurred. Nevertheless, it is the pervasive fear of retaliation that impeded reporting. Clearly school district employees require a good deal more training in the anti-retaliation bar in Connecticut law to minimize this fear.

⁶⁹ Indeed, the allegations were consistent with prior allegations made about the principal and with later substantiated allegations made by a student in a different school district. The principal’s license was later revoked by the State Department of Education.

principal's supervisor. Ex. 104. While the allegations clearly presented reasonable suspicion of abuse, the supervisor did not file a report with DCF, choosing instead to conduct an "internal investigation" after which the supervisor took no action. Ex. 104. Had the parent not later reported the same complaint directly to DCF, no report would have been filed with DCF and DCF would not have conducted an investigation.

The number of school district "internal investigations" resulting in no action is unknown because there is no system in place for tracking this information. Regardless of the number of unreported cases, this is a significant problem. It is critical that *all* mandated reporters report *all* instances in which they have reasonable cause to suspect or believe a child has been abused or neglected or is at imminent risk. This is, in fact, what Connecticut law requires.

To address this critical system gap, Connecticut must ensure that all mandated reporters are adequately trained to understand their obligations, that all mandated reporters are informed that mandated reporting laws apply when the alleged perpetrator is a school employee, that mandated reporters are trained to understand available protections against retaliation. In addition, DCF must track failures to report and delayed reports to better enforce the statutory mandatory reporting requirements.

School districts should also be required to track in a central location reports made to the DCF Hotline. Requiring the school districts to track that mandated reports are in fact made should significantly discourage this important requirement being overlooked.

➤ **RECOMMENDATIONS.**

- (a) School districts should be required to maintain documentation of all allegations that school district employees or contractors have abused or neglected children in a central location, including 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.

D. DCF DOES NOT HAVE A SYSTEM IN PLACE TO DOCUMENT AND ADDRESS EITHER THE FAILURE TO MAKE MANDATED REPORTS OR DELAYS IN MANDATED REPORTING.

Mandated reporting is a critical component of Connecticut's child protection system. Failure to make mandated reports is a clear violation of law.⁷⁰ Further, mandated reporters who fail to report can be required to participate in mandated reporter training.⁷¹ The administration of the mandated reporter requirements includes an elaborate system, known as the LINK system, maintained by DCF for tracking and administering all reports to the DCF Hotline, including mandated reports. This system does what it is designed to do.⁷² All information and

⁷⁰ Conn. Gen. Stat. §17a-101a.

⁷¹ DCF has the discretion to impose such mandated reporter training directly. Conn. Gen. Stat. §17a-101(d). It may also be ordered as part of the remedy for a prosecution of a violation. Conn. Gen. Stat. §17a-101a.

⁷² This investigation is not a comprehensive review of the LINK system. For a prior review please refer to: INVESTIGATION INTO THE DCF HOTLINE SYSTEM, REPORT OF THE CHILD ADVOCATE AND THE ATTORNEY GENERAL (September, 2003).

documentation of all reports of suspected abuse or neglect is entered into LINK, along with DCF's findings.

Notwithstanding this extensive computer system, DCF has no system in place for tracking delayed reporting or failures to report or make timely reports by mandated reporters. This information is not tracked either on intake or at any other time. Thus, DCF is (1) not in a position to address failure to report or delayed reporting in individual cases; and (2) not in a position to query its data to see whether or not there are any patterns in failure to timely report that should be evaluated for possible action.

DCF investigators and supervisors interviewed during the course of this investigation indicated that if they identified a delay in reporting or a failure to report, they might remind the reporter of his or her obligations and send an email to their supervisor but were not aware of what would occur after that. Some supervisors indicated they would recommend that the individual or school receive training but noted that this would be done on a voluntary basis and could not describe any tracking system in place to ensure such training occurred. As a result, DCF has no meaningful ability to identify school districts or other large entities whose employees regularly fail to comply with mandated reporting requirements or who fail to provide adequate training, guidance, and/or support for reporting abuse and neglect to DCF.

DCF rarely requires individuals who fail to make mandated reports to undergo training, despite statutory authorization to do so.⁷³ It is also rare for DCF to refer individuals who fail to make mandated reports to law enforcement. For example, in one case in New Haven, DCF was aware that a school employee notified the Superintendent and the Board of Education of the alleged physical abuse of students and none of the informed mandated reporters filed a report with DCF. DCF later learned of the allegations and conducted an investigation. Despite the school's failure to report and the school's lack of cooperation with DCF's investigation, DCF neither required the district to participate in training nor required any of the involved mandated reporters to undergo training.⁷⁴ In another case, there was a nearly 3 month delay in reporting. Ex. 88. The DCF investigator noted his concern about the delay in the DCF investigative protocol. Ex. 88. The DCF investigation supervisor reported that he met with the school district in an attempt to understand the reasons for the delay and to reinforce the need to report in a timely fashion in the future. Again, however, DCF neither required the district to participate in training nor required any of the involved mandated reporters to undergo training.⁷⁵

Without a systematic method for tracking failures to report and delays in reporting, DCF cannot effectively identify those who repeatedly fail to meet their statutory obligations. Lack of remediation perpetuates a system in which reports are delayed or never filed.

⁷³ Conn. Gen. Stat. §17a-101(d).

⁷⁴ The one year statute of limitations for potential prosecution of this violation had already passed long before our review of these investigations. Conn. Gen. Stat. §54-193.

⁷⁵ The one year statute of limitations for potential prosecution of this violation had already passed long before our review of these investigations. Conn. Gen. Stat. §54-193.

➤ **RECOMMENDATIONS.**

- (a) DCF should utilize LINK to create a system for tracking delayed reporting, investigations of such delays, and school district responses to such delays.⁷⁶
- (b) DCF should promulgate policies regarding proper investigation of failure to make timely mandated reports, including 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 mandated reports.

E. THE STATE DEPARTMENT OF EDUCATION IS RARELY NOTIFIED OF MANDATED REPORTS CONCERNING CERTIFIED EDUCATORS.

Mandated reporting of suspected abuse or neglect in schools has additional dimensions considering the important role of schools to properly protect children who are being educated. As a result, Connecticut law has some additional requirements related to allegations that a school employee has abused or neglected a child. Unfortunately, these additional requirements are often not honored.

When DCF receives a mandated report alleging that a school employee has abused or neglected a child, DCF is required to notify the person in charge of the school, who is then required to notify the parent, unless the person in charge of the school is the alleged perpetrator.⁷⁷ In addition, when the mandated reporter is a school employee, the mandated reporter is required to give a copy of the written mandated report to the person in charge of the school.⁷⁸ If the alleged perpetrator is a certified educator the person in charge of the school is further required to provide a copy of the report to the State Department of Education.⁷⁹

These steps, taken together, ensure that all those responsible for protecting children have notice of the allegation and can take appropriate steps.

This investigation revealed two significant gaps. First, while Conn. Gen. Stat. §17a-101b(d) requires DCF to notify the school principal when there is a report regarding a school employee, the language of this section has been interpreted by DCF to permit such notification only if the report is filed by a mandated reporter.⁸⁰ Thus, if the report is made by a person other than a mandated reporter, such as a relative, neighbor, or parent of a child, the school principal

⁷⁶ While we limit our recommendation here to school districts as that is the focus of this investigation, DCF should certainly consider this recommendation in the context of all mandated reporters.

⁷⁷ Conn. Gen. Stat. §17a-101b(d).

⁷⁸ Conn. Gen. Stat. §17a-101c.

⁷⁹ Conn. Gen. Stat. §17a-101c. Under this statute notice would also be provided to the executive head of any state agency that licenses the person who is the subject of the complaint.

⁸⁰ DCF's Legal Division issued an internal guidance to DCF employees interpreting this section of the law. Ex. 209A.

will not be notified. This is true even if the subject of the report is alleged abuse or neglect of a student by a school district employee.

Second, school districts are not routinely providing notice to the State Department of Education when the school districts are notified of allegations of abuse and neglect by school district personnel. From August 1, 2001 to August 1, 2007, the State Department of Education received notice of 40 reports of suspicion that a school employee abused or neglected a child. During that same time period, DCF records show 1966 reports in which the provider type was school.⁸¹ Ex. 515. From August 1, 2007 to August 1, 2009, the State Department of Education received notice of 6 referrals of suspicion that a school employee abused or neglected a child. Ex. 515. During that same time period, DCF records show 638 reports in which the provider type is school. Ex. 513, 514, 516. When such notice is provided, it is sometimes provided weeks or months after the referral.

➤ **RECOMMENDATIONS.**

- (a) The provisions of Conn. Gen. Stat. §17a-101c should be amended in the following respects: (1) to require DCF, in addition to school districts 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.

V. THE QUALITY OF INVESTIGATIONS IS INADEQUATE

During the course of this investigation we had occasion to review a number of specific cases in which allegations of abuse and/or neglect were made concerning school district personnel. We scrutinized the investigations conducted by the school districts and by DCF with regard to the allegations.

As a result of our review we have a number of significant concerns. These include failure of school districts to fully cooperate with DCF investigations, impediments to DCF investigations and inconsistency in the quality of DCF investigations.

⁸¹ Because DCF does not track whether an individual is a certified school employee, DCF is unable to produce data showing the exact number of referrals related to certified school employees. Complaints related to school employees can only be identified based on the demarcation of “provider type” entered at the time of a hotline report. This data should include all referrals related to schools. It may include reports related to individuals employed by schools but whom are not certified. It does not include school employees with allegations involving relatives.

A. DCF IS, AT TIMES, HINDERED IN ITS INVESTIGATIONS DUE TO DELAYS OR REFUSALS BY SCHOOL DISTRICTS TO PROVIDE INFORMATION THAT IS RELEVANT TO ITS INVESTIGATION.

School districts are not legally required to provide records and information to the Department of Children and Families. While school districts often fully cooperate with DCF in its efforts to investigate abuse and neglect, this investigation revealed numerous instances in which school districts either refused to provide or delayed providing the Department of Children and Families with information necessary to complete its investigation.

In New Haven, for example, DCF received a report regarding allegations that a number of children were abused or neglected by a school employee. The district informed DCF that it would not provide DCF a copy of a letter, received by the district months earlier, alleging the physical abuse of students because DCF would not reveal the name of the reporter of the current allegations.⁸² Ex. 106. A school employee confirmed that the superintendent had received a lengthy letter from a teacher alleging abuse but indicated that the superintendent was not comfortable providing the letter to DCF because of concerns that it might "open another gate if the reporter was not the same person" as the current reporter. Ex. 106. Despite the fact that the reporter's identity was protected by law, DCF requested that the reporter permit the release of his/her identity in an effort to obtain the letter referenced by the school. Ex. 106. When the reporter refused to do so, DCF took no other action to obtain the letter from the school district. Ex. 106. In fact, DCF never obtained the letter.⁸³ Ex. 106.

In Southington, one of the mandated reporters, who was not accused of abusing or neglecting a child but had information relevant to a complaint about another school employee, simply refused to be interviewed by DCF. Ex. 88. DCF concluded its investigation without interviewing this witness.

In Bridgeport, DCF was aware that the school had conducted an extensive investigation of allegations of sexual harassment and believed that the sexual harassment report included information relevant to DCF's investigation. It took approximately five days for school employees to reach a determination about providing the information to DCF. Ex. 360. Ultimately, DCF received a redacted copy of the report. Ex. 360.

DCF investigators interviewed as part of this investigation confirmed that some districts do not cooperate with DCF investigations and that DCF can be stymied in its efforts to conduct a thorough investigation. Investigators expressed a sense of powerlessness in that they could not require school districts to cooperate with their investigations. Moreover, investigators felt it was important to maintain positive relationships with school districts given the critical role schools play in meeting the needs of children involved with DCF. Children spend most of their day with school employees. School employees are in the best position to observe children and report

⁸² The identity of reporters of child abuse or neglect is confidential and shall not be released except upon application to the Superior Court and a determination by the court that "there is reasonable cause to believe the reporter knowingly made a false report or that other interests of justice require such release." Conn. Gen. Stat. §17a-28(m); See also DCF Policy 33-5-8.

⁸³ We did obtain a copy of this letter during the course of our investigation. Ex. 133. The contents of the letter clearly should have been reported to DCF as a mandated report. None of the New Haven school district personnel who had access to the letter took any action to report it to DCF.

suspicious of abuse or neglect. When children are placed in out-of-home care, DCF relies on schools for cooperation in enrolling students, transferring educational records, and providing appropriate educational services. If schools were required to provide information to DCF upon request, information could be obtained without fear of alienating the school district, upon which DCF relies.

➤ **RECOMMENDATIONS.**

- (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.

B. SCHOOL DISTRICTS OFTEN CONDUCT THEIR OWN INVESTIGATIONS PRIOR TO CONTACTING DCF OR THE POLICE, HINDERING THE ABILITY OF TRAINED INVESTIGATORS TO CONDUCT A PROPER INVESTIGATION

Some school districts conduct an "internal investigation" prior to filing a mandated report with the Department of Children and Families. The evidence suggests that in some districts, these investigations went beyond what would be necessary to determine whether a reasonable suspicion of abuse or neglect existed. As discussed above, this practice may result in underreporting or late-reporting allegations of abuse and/or neglect. In addition, such internal investigations may hinder the ability of DCF and/or the police to conduct a proper investigation.

The mandated reporter system is designed to ensure that DCF, or DCF in conjunction with law enforcement, can conduct fresh and timely interviews of witnesses and alleged perpetrators to assure prompt untainted fact-finding. School personnel are not trained to conduct investigations of such matters and there no system in place to assess the quality of such investigations, if performed by school personnel. Premature knowledge of the complaint, especially by the alleged perpetrator, can impede the investigator's ability to obtain complete and truthful information.

In one case, a parent filed a report with DCF alleging that a teacher was sexually abusing his daughter. The parent stated that he reported the information to the school approximately 8 weeks prior and that the school was conducting an internal investigation. There is no record of a hotline report from the school. By the time DCF began to investigate, DCF was unable to coordinate its investigation with the police investigation. Both the alleged perpetrator and the student had been interviewed by police and gave statements confirming the allegations. DCF investigators were unable to obtain statements from the child and the alleged perpetrator as both refused to be interviewed. Because DCF was unable to interview the perpetrator and victim, DCF did not substantiate sexual abuse. Ex. 510. In this case, the perpetrator was ultimately arrested and convicted and is now on the sex offender registry. Because DCF did not substantiate abuse, however, the individual is not on the DCF Child Abuse & Neglect Registry and the State Department of Education did not receive notice of DCF's findings. Fortunately, because he was convicted of a crime, he can no longer teach. In another district, the school delayed reporting for one month allegations that two teachers were engaged in sexual relationships with students. Ex. 509. During the course of that month, the school conducted an

investigation, questioning numerous students and staff. Ex. 509. Ultimately, DCF did not substantiate. It is impossible to know if the outcome of the investigation would have been different had DCF been able to conduct a timely investigation.

Mandated reporters are neither required to nor should they attempt to determine the truth of the allegations prior to making a report. It is the role of DCF and/or law enforcement, not school districts, to investigate to determine whether the allegations are in fact well-founded. When school districts attempt to investigate the allegations on their own, prior to notifying DCF, their missteps can have a profound impact on the investigation that follows. School districts should make their own disciplinary investigations after investigations by DCF or law enforcement authorities are completed.

➤ **RECOMMENDATIONS.**

- (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.
- (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.
- (e) Good communication between school districts, DCF and law enforcement in actual cases should result in proper coordination.

C. THE QUALITY OF DCF INVESTIGATIONS IS INCONSISTENT

Our investigation revealed serious concerns about the quality of investigations conducted by DCF. While some investigations were adequate, others were not. Among the investigations reviewed, we found instances in which DCF failed to interview all identified victims and witnesses and failed to follow investigative leads. Of greatest concern was an apparent reluctance to substantiate allegations involving school employees. Some investigators acknowledged that the ramifications of wrongfully substantiating a claim made against a school employee impacted their decision making. In some cases, DCF did not substantiate allegations despite having adequate evidence to do so. Several case examples are illustrative.

In one case in Westport, two children complained that a teacher touched them inappropriately: Lucy⁸⁴ and Kelly.⁸⁵ Lucy reported that the teacher commented on her looks, told her that he wore his belt to the side so it would be easier to hug her, and that other children commented that the teacher was “weird” to her. Ex. 318. She described two incidents that were

⁸⁴ A pseudonym is used to protect the identity of the child.

⁸⁵ A pseudonym is used to protect the identity of the child.

of concern. On one occasion, the teacher told the student how nice her tank top was, then unzipped her sweatshirt and removed it from her body. The student stated this occurred in October 2001. The DCF investigation report documents no follow up questions to determine where this occurred and who might have been present. On another occasion, she stated teacher touched her breast while looking at her art work. She indicated that this occurred February 2002. Again, the investigation report documents no follow up questions to determine where this occurred or who might have witnessed the incident. The child went on to describe other concerns. At the end of the interview, the investigator asked if there were any witnesses to these events. The child identified one friend, Kelly, who she indicated was always with her. When Kelly was interviewed, she described how the teacher took more photos of her than other students; gave her an A even though she didn't complete any of her projects; and walked up to her in the hallway, touched her slightly exposed bra strap, and tucked it under her shirt while saying "I really miss you being in my class." Kelly didn't give specific dates for these occurrences but explained that she changed classes in October.

During the course of its investigation, DCF learned that the teacher had been reprimanded for asking them to keep a secret about his belt; allegedly asking female students only to bring photos of themselves doing ballet or gymnastics for doing extra credit; and taking photos of students in "artful movement" during recess. Despite all of this information, DCF did not substantiate for abuse or neglect. DCF provided two reasons for not substantiating: one child stated the incident occurred in October but she left the teacher's class in September and there were no other witnesses. DCF's own investigation, however, documented that the child reported to the school principal that the incident occurred in September. The school district records also documented that the child reported the incident to have occurred in September, not October. Ex. 295. In fact, while Kelly had changed classes, Lucy had not. Ex. 294, 295. It is significant that the investigator received no information that would suggest that either child was not credible but closed the case in large part because there were "no witnesses." First, the DCF investigator made no effort to speak with any of the other students in the class to determine whether they witnessed any of the inappropriate conduct described by the two students. Even if there were no eyewitnesses, incidents of sexual abuse typically occur outside of view of others.

In a case in New Haven, Tyrone,⁸⁶ a seven year old child, reported that he had been hit with a belt by a school principal and that the principal had threatened to hit him again. Ex. 104. Tyrone also reported that the principal hit him with a stapler three times. Tyrone had no marks or bruises on him at the time of the investigation. Tyrone identified three other children whom he believed had also been hit by the principal. The child reported these incidents occurred weeks before but he did not report them because he was afraid he would get in trouble. Over one month later, the DCF investigator spoke to one of the children identified by Tyrone. The investigator made no attempt to interview the child at home and instead interviewed the child at the school. The principal wanted to sit in on the interview. When the DCF investigator informed him that he could not do so because he was the subject of the allegations, he "corralled" another employee. In response to the DCF's investigator's questions, the child indicated that he had not been struck, that he was not aware of any other children being struck, and that he was not afraid of any staff member at the school. The DCF investigator interviewed the secretary who described some of Tyrone's inappropriate behaviors, confirmed that the child had been in the principal's office on the day in question, and said he was in the office for one minute and the door was open. She also

⁸⁶ A pseudonym has been used to protect the identity of the child.

stated she had seen the child that she has seen the child leaving the office crying but the door was always open. The allegations were not substantiated. The documented reason was a lack of evidence. While there may have been insufficient evidence to substantiate the allegations after a complete investigation, DCF's investigation was not complete. The DCF investigator made no attempts to interview the two other children identified by Tyrone.

In another case in New Haven, a mandated reporter made a number of allegations and identified four students whom the reporter believed had been physically abused. One of the students was Tyrone, whose allegations were investigated as described above. The DCF investigator obtained phone numbers for the other three students. The investigator left a message for one parent. The investigator called another parent, received no answer, and found there was no way to leave a message. The DCF investigator made no other attempts to reach this parent by phone. The phone number for the third parent was out-of-service. The DCF investigator mailed letters to each of the parents. The DCF investigator made no attempt to visit the homes of any of the children identified. The case was closed as unsubstantiated due to insufficient evidence. Ex. 106.

In another case in New Haven, a child reported that her school principal made inappropriate comments of a sexual nature. When the mandated reporter was interviewed by DCF, she indicated that she had heard "through the grapevine" about the principal being inappropriate with other students. The investigator made no attempt to determine whether the mandated reporter might be able to identify other possible witnesses. When the child, Elaine,⁸⁷ was interviewed, she stated other girls called the principal a "pervert." The DCF investigator made no attempt to identify who the other girls might be. The investigation was closed as unsubstantiated. The DCF investigator noted, however, that the information gathered during the investigation raised serious concerns, stating "[i]t should be noted that during the investigation no other students were named as victims of sexual abuse by [the principal] but in the future if any come forward [i]t is recommended that [the principal] be removed from the school and a criminal investigation be done."

Approximately two months later, another student, Marcia⁸⁸ came forward alleging similar complaints about the same principal. The investigation was assigned same investigator who investigated the allegations made by Elaine. During the course of the investigation, Marcia made reference to rumors at school that "something was going on with [the principal] and other girls at the school." The DCF investigator did not inquire about who the other girls might be. Marcia's mother indicated that there were other parents who had concerns as well and they were trying to gather information. The DCF investigator did not ask for the names of the other parents. The investigation was closed approximately one week later as unsubstantiated. Again, DCF noted program concerns, stating "[d]espite the fact that [Marcia] is friends with the girl who made allegations in December against [the principal] the Department strongly believes that there is truth to the allegations, even though there is insufficient evidence to support it at this time." Ex. 110. The determination that there was insufficient evidence was based on the fact that Marcia was friends with Elaine and Marcia had recently been suspended by the principal. This is troubling because the DCF investigator could have taken additional investigative steps that may have shed light on the truth or falsity of the allegations. Specifically, the DCF investigator could

⁸⁷ A pseudonym has been used to protect the identity of the child.

⁸⁸ A pseudonym has been used to protect the identity of the child.

have made attempts to identify other girls who may have been the subject of similar inappropriate conduct.

In Bridgeport, the investigator interviewed the two children identified by witnesses. Both children denied any inappropriate touching and stated that they liked the principal. Ex. 360. One described himself as a “trouble maker” and said the principal was trying to help him. Ex. 360. The DCF investigator did not review the educational records for either child. A review of such records may have shed light on the perspective of the children and offered other important avenues of inquiry related to whether the children had experienced abuse or neglect. For example, Manuel F.⁸⁹ had cognitive limitations, attention deficit hyperactivity disorder, and school performance well below grade level.⁹⁰ Ex. 386, 387. The other child had been referred for assessment due to concerns about the child’s behavior, including concerns he was touching himself inappropriately. Ultimately DCF did not substantiate abuse or neglect. The DCF determination was based largely on the fact that the children involved did not express any concerns related to their contact with the principal. It is impossible to know in retrospect what information, if any, might have come to light with a more thorough investigation.

While it is important to ensure that investigations do not continue for extended periods of time while investigators track down every possible lead, it is equally important that investigations completed within mandated timeframes are complete and that all reasonable efforts have been made to determine the facts. Several DCF investigators acknowledged that the mandatory timelines associated with investigations can impact the quality of the investigation. Timeliness of investigations is critical and the timeframes must remain in place. DCF, however, should assess how it can better support investigators when important investigative leads are identified and time is running short.

DCF investigators also acknowledged that investigations related to schools raise particular challenges. They noted the importance of maintaining positive relationships with school districts given the critical role schools play in meeting the needs of children involved with DCF. Because school employees are in the best position to observe children and report suspicions of abuse or neglect, it is important that schools feel they can trust DCF to respond appropriately when matters are referred for investigation. In addition, when children are placed in out-of-home care, DCF relies on schools for cooperation in enrolling students, transferring educational records, and providing appropriate educational services. At the same time, investigators recognized the importance of conducting thorough investigations to uncover the truth of the matter. A legal requirement that school districts provide all information in their possession upon request by DCF, as recommended above in this report, might alleviate some of this tension and assist DCF in completing more thorough investigations in a timely manner.

➤ **RECOMMENDATIONS.**

- (a) DCF should conduct regularly scheduled random quality assurance file reviews of school related investigations by DCF and provide appropriate remediation where necessary.

⁸⁹ A pseudonym has been used to protect the identity of the child.

⁹⁰ Numerous concerns were noted regarding the school’s compliance with the Individuals with Disabilities Education Act and its ability to adequately meet the needs of this child.

- (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.

VI. SCHOOL EMPLOYEES WHO ENGAGE IN MISCONDUCT ARE NOT ALWAYS HELD ACCOUNTABLE.

If all parts of the child protection system worked properly allegations of abuse or neglect by school personnel would be evaluated promptly. Those that had merit would be addressed in order to ensure that children are protected. DCF would substantiate meritorious complaints, school districts would follow with appropriate disciplinary action, and SDE could act to revoke any certifications. Unfortunately, the child protection system does not always work.

A. SCHOOL DISTRICTS DO NOT ALWAYS TAKE ADEQUATE ACTION TO HOLD EDUCATORS ACCOUNTABLE FOR INAPPROPRIATE CONDUCT.

Our investigation revealed a troubling lack of action in response to concerns raised by parents and students and significant weaknesses on the part of school districts to hold teachers and administrators accountable for inappropriate conduct. As discussed above, the evidence suggests that suspicions that a school employee has abused or neglected a child are underreported. In addition, all but one of the school districts we reviewed failed to appropriately respond to complaints.

1. East Hartford

Only in East Hartford was the school district able to demonstrate that it conducted a meaningful, immediate, independent investigation and pursued disciplinary action in response to allegations regarding a school principal. The East Hartford school district conducted its investigation in cooperation with DCF. The investigation went beyond the narrow scope of the DCF investigation to determine whether there were other concerns that should be addressed by the school district. Ex. 186 — 202. DCF substantiated allegations of emotional neglect and placed the principal on the DCF Child Abuse & Neglect Registry. Ex. 209b. The Superintendent had already obtained a resignation from the principal and could have chosen to take no action. Instead, she requested revocation of the principal's certification. This request would turn out to be critical in assuring the safety of other children because the principal went on to become employed as an educator in North Carolina. When North Carolina inquired about the status of his administrator's certificate, SDE informed North Carolina that the certification was pending revocation. Ex. 225a. The certification was later revoked. Ex. 225b. Had East Hartford failed to request revocation of the certification, the principal might still be employed as a school administrator despite substantiated allegations of emotional neglect that were based on making inappropriate comments of a sexual nature to a student.⁹¹ The actions taken by the East

⁹¹ In fact, the East Hartford Superintendent was not required to notify the State Department of Education of the substantiation because the principal was substantiated for neglect, rather than abuse. She clearly used good judgment

Hartford Superintendent stand in contrast to the actions taken by in the other four school districts discussed in this report.⁹²

2. *New Haven*

Prior to taking a position as a school principal in East Hartford, this individual was employed as a school principal in New Haven. In little more than two years, he was the subject of five DCF investigations. Although all of the related investigations resulted in findings that the allegations were not substantiated, DCF noted in a two separate reports provided to the New Haven Superintendent of Schools in January and March of 2005 their concerns about the numerous allegations and the apparent pattern of allegations of a sexual nature. Ex. 135, 136. The New Haven school district conducted no investigation in response to the reports from DCF. Instead, he continued to be employed by New Haven as a principal until a third similar complaint was received after he started working in the East Hartford school district.

3. *Westport*

A Westport school district teacher, Paul Held, was convicted in 2007, for possession of 3 to 4 million images of child pornography including photographs that appeared to be taken under the desks of unsuspecting students.⁹³ As it turns out Mr. Held had been the subject of complaints by parents for decades. Were early warning signs missed?

Most of the complaints about Mr. Held related to his making insensitive comments to students in the context of teaching. In response to these complaints, the school provided extensive supervision to the teacher in an effort to improve both his interaction with students and teaching skills. Ex. 233 — 280, 284 — 295. Despite the fact that a number of complaints raised very serious concerns, no formal disciplinary action was taken. For example, in 1996, parents of a seventh grade student complained to then Superintendent that Mr. Held made sexually explicit remarks to their daughter. Ex. 262. The parents indicated that such comments were not uncommon in Held's classroom and asked the Superintendent to take disciplinary action. Ex. 262. The school did not file a mandated report with DCF. Instead, the principal of the school interviewed several students. Notes of these interviews show that students in grades 5, 6, and 7 reported comments by Mr. Held such as "flowers symbolize sex ... hearts symbolize love ... I guess means that you love sex." Ex. 261. Students said the teacher overuses the word sex. Ex. 261. One student reported that he said she should draw a penis. Ex. 261. Mr. Hightower concluded that Mr. Held "did not have any sense that any remarks had created an intimidating or hostile atmosphere" and the students described him as "clueless." Ex. 264. The principal wrote a three page memorandum to the Superintendent outlining his findings, documenting a pattern of

in providing the notice as it set in motion a chain of events that resulted in protection of other children. If our recommendations are implemented this notice would be mandatory.

⁹² This report briefly refers to a few case studies that are good illustrations of some of the problems that we identified during the course of this investigation. These case studies are presented in a little greater depth in the Appendix.

⁹³ The seriousness of the conduct he was sentenced for is described in the U.S. Attorney's news release. www.justice.gov/usao/ct/Press2007/20070830-5.html. Held had in his possession more than 1000 compact discs, each containing 3000 to 4000 images of child pornography. In addition, Held collected "voyeuristic photos of young girls, including his former students."

“making remarks which are not well received,” and seeking “suggestions for the best ways to formally address needed changes.” Mr. Held continued in his teaching position with supervision but without consequences.

In late September 2001, a parent complained that Held told students that “[g]irls can get extra credit for ballet dancing or gymnastics or he can take their pictures while they do that.” The parent expressed concern that Held did not mention extra credit for boys and it felt inappropriate. Ex. 286. The parent also relayed a story about Held’s belt buckle being to the side and telling students that he does this so it won’t hurt them when he hugs them. Ex. 286. In mid-October 2001, students complained to guidance counselors at the school that they were uncomfortable with Mr. Held’s picture taking. Ex. 286. In late October, another student complained that Mr. Held was commenting on her looks. Ex. 286. None of these concerns were reported to the Department of Children and Families.

The information about Mr. Held was communicated to then Superintendent. Ex. 286. No formal disciplinary action was taken. In a meeting with a Deputy Superintendent Mr. Held admitted to telling students that he wore his belt buckle to the side because a man he once knew did that so he would not hurt girls when he kissed them. Ex. 288. Mr. Held also admitted that he told the students to keep the story a secret. Ex. 288. In a letter to Mr. Held, the Deputy Superintendent warned Mr. Held “[a] teacher must not have ‘secrets’ with students dealing with matters of sexuality. Your conduct here causes me serious concern that you have not established appropriate boundaries with students, which is a basic teaching responsibility.” Despite all of this information, no report was made to DCF and no formal disciplinary action was taken. Mr. Held continued his employment until March 2002 when two sixth grade students complained that Mr. Held was touching them inappropriately. Ex. 294, 295. The matter was referred to DCF and Mr. Held was placed on administrative leave with pay pending the outcome of the investigation. Ex. 293. DCF did not substantiate the allegations. Ex. 294, 295. Held was however, arrested and subjected to criminal charges in February 2003, at which time the school district initiated termination proceedings. Ex. 305. Mr. Held resigned in July 2003. The school district did not request revocation of Mr. Held’s teaching certificate. Mr. Held was later acquitted of these charges.⁹⁴ Subsequently Mr. Held was arrested in August 2005, and subsequently convicted, for possession of 3 to 4 million images of child pornography including photographs that appeared to be taken under the desks of unsuspecting students.

4. Southington

In Southington, in late 2000, an adult reported that an individual, who was a teacher and athletic coach, had an inappropriate relationship with her in the mid 1980’s, when she was a ninth grade student. Ex. 23, 72. There were several investigations, including one by the local police. No criminal charges were brought due to expiration of statute of limitation. Ex. 72. The local police made recommendations for the future including girls’ sports organizations having a female present at any practices or events, barring males from the girls’ locker rooms, and having a female monitor present in girls’ locker rooms. Ex. 72. While the coach received a verbal warning, no other disciplinary action was taken. Ex. 23. The Superintendent of Schools memorialized the verbal warning in writing and stated: “Should any event like this happen again,

⁹⁴ In a criminal case guilt must be proven to the very high “beyond a reasonable doubt” standard of proof.

you will be subjected to further disciplinary actions and/or dismissal.” Ex. 23. Chaperones were put in place and the coach continued to coach the middle school girls’ basketball team.

When the chaperones approached the Faculty Manager in December 2003 with concerns about the coach’s interaction with students, he made no attempt to talk with any of the students, did not report the concerns to the school’s Athletic Director, the Principal or the Superintendent. Ex. 56 The Chaperones returned with complaints in January 2004 and again the Faculty Manager took no steps to bring the concerns to the Athletic Director, Principal, or Superintendent. Upon being informed on January 5, 2004, the principal began an investigation but did not file a mandated report with DCF. Ex. 18, 54 — 58. On January 8, 2004, the school district entered into an agreement with the coach under which he took a medical leave of absence. Ex. 67. During the leave of absence, he was required to participate in “sensitivity awareness and/or stress counseling.” Ex. 67. While the agreement stated that the coach was required to provide evidence to the school that he was fit for duty prior to returning, no disciplinary action was taken. Ex. 67. Several months later, additional information was provided to the district and a mandated report was filed with DCF. Even after DCF substantiated allegations of emotional neglect, no disciplinary action was taken by the school district. Instead, the district entered into an agreement under which the coach resigned and agreed to seek employment in another district. Ex. 68.

5. *Bridgeport*

In Bridgeport, the Department of Children and Families received a report alleging that an elementary school principal taped a special needs student to a chair and fondled the buttocks of another student. DCF ultimately did not substantiate abuse or neglect based on the fact that the child who had been taped to the chair indicated that it was fun and exhibited no signs of physical or emotional harm and the other child denied that he had been fondled. In the course of the investigation, however, DCF learned about numerous allegations concerning the principal’s interactions with students that should have generated an investigation by the district into whether the principal was fit to perform his duties. Among the information revealed were the following:

- The principal admitted that he hits children on the head. He demonstrated this to the investigator by calling over a student, asking the student if he wanted a single or double. The student said “single.” The principal then asked “do you want it light, medium, or hard.” The student responded “hard.” The principal then asked “with a blindfold or without.” The student then said “without.” The principal hit the student on the back of the head and said he hoped the student felt better. In response to a question by the principal, the student confirmed that the principal does this in front of the student’s parents. The principal stated he does this to build rapport with the students. The principal explained that if the student said “with a blindfold,” the principal would have covered the student’s eyes. Ex. 364
- The principal and a security guard admitted to taping the student to a chair but indicated that the student was known to leave his classroom and taping him to the chair was done in fun. Ex. 364
- The principal admitted that he told students with low grades that they needed to improve their grades or get a visit with “Mr. Boot.” Ex. 364.

Based on the practice that existed at the time of the report, DCF provided a copy of the full report to the school, noting its concerns in a section of the report labeled program concerns.⁹⁵ In response, the Superintendent wrote a letter to the principal stating “[y]ou are not to have children sitting on your lap; you are not to tape children to chairs or otherwise similarly restraining them; you are not to threaten to kick children even if in jest (reference to your “Mr. Boot” remarks); you are not to strike children on the head even if in jest; you are not to tell teachers not to call the Department of Children and Families if they feel it is appropriate to do so.” Ex. 466. No independent investigation was conducted by the district at the time and no disciplinary action was taken.⁹⁶ Indeed, our investigation revealed that the practice of Bridgeport school district, then and at the time of our investigation, was that no independent investigation would be conducted by the school. If DCF did not substantiate allegations of abuse and neglect, the school concluded that the school employee was “cleared” and took no action to conduct its own investigation or impose appropriate disciplinary sanctions.

B. SCHOOL DISTRICTS SHOULD HOLD EDUCATORS ACCOUNTABLE FOR INAPPROPRIATE CONDUCT.

The failure of school districts to conduct independent investigations and to enforce the teacher and administrator codes of conduct through proper human resources investigations, disciplinary action for meritorious concerns or requests for revocation of certification is alarming. The fact that DCF did not substantiate abuse or neglect under a specific legal standard or that an individual was not criminally charged provides no valid basis for school administrators to ignore allegations of misconduct.

A decision not to prosecute or not to substantiate for abuse or neglect is not a finding that improper conduct did not occur. Not all instances of improper conduct rise to the level necessary to pursue criminal prosecution or to substantiate for child abuse and neglect. Neither DCF nor law enforcement seeks to reach any conclusions on the question of whether or not a school district employee has committed professional misconduct. The Code of Professional Responsibility for Teachers and the Code of Professional Responsibility for School Administrators set the bar for educator conduct well above conduct that is neglectful, abusive, or criminal.

While not every complaint is valid, school districts have a responsibility to conduct independent investigations to determine whether teachers and administrators have adhered to the applicable code of conduct. Further, school districts must set high expectations for all staff regarding their relationships with students. When school employee conduct falls below those expectations, districts should take immediate action to remedy the problem or remove the employee.⁹⁷

⁹⁵ It should be noted that the information contained in the report would not be provided by DCF today, in accordance with a DCF memo to all staff articulating the law related to information sharing with school districts. See Ex. 209A.

⁹⁶ More recently the Bridgeport school district conducted a human resources investigation as a result of information coming to the attention of the Superintendent of Schools that he had not previously been aware of. Shortly before the issuance of this report the principal was terminated. The background of this case is discussed in greater detail in the Appendix.

⁹⁷ It is also important to note that several school districts identified the cost of litigation associated with teacher termination as a significant barrier. The cases in Westport and Southington are demonstrative. In Westport,

➤ **RECOMMENDATIONS.**

- (a) School districts should investigate 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.

C. THE STATE DEPARTMENT OF EDUCATION IS OFTEN NOT NOTIFIED WHEN DCF SUBSTANTIATES ALLEGATIONS THAT A CERTIFIED SCHOOL EMPLOYEE HAS ABUSED OR NEGLECTED A CHILD.

Following completion of an investigation by DCF, if a school employee is found to have abused any child and determined that the employee should be placed on the abuse/neglect registry, the Commissioner of DCF must notify the employing superintendent within five days and provide that superintendent with documentation.⁹⁸ The superintendent is then required to suspend the employee with pay.⁹⁹ The superintendent is also required to notify the board of education and the Commissioner of Education.¹⁰⁰ If the board of education terminates the employee's contract for employment, the superintendent shall notify the Commissioner of Education who may then take action to revoke the employee's certification.¹⁰¹ This notification system is designed to ensure that individuals who should not be employed in schools have their certifications as educators revoked. Our investigation revealed serious gaps in this system.

In all cases in which DCF has both substantiated abuse and determined that the perpetrator should be listed on the DCF Child Abuse & Neglect Registry, the State Department of Education should be notified. Review of both SDE and DCF records, however, shows that such notifications are not occurring. From August 1, 2001 to August 1, 2007, DCF substantiated abuse on 56 individuals in which the provider type was school, all of which were placed on the DCF Child Abuse & Neglect Registry. In contrast, during this same time period, SDE received notice of only 22. From August 1, 2007 to August 1, 2009, DCF substantiated abuse on 21 individuals in which the provider type was school, all of which were placed on the DCF Child Abuse & Neglect Registry. In contrast, during this same time period, SDE did not receive notice of any of these substantiations. Ex. 513 — 516.

Current law requires that DCF provide notice to the employing superintendent only in cases of abuse in which the DCF Commissioner has determined that the perpetrator should be

termination was not pursued until Mr. Held was arrested some fifteen months after allegations of inappropriate sexual contact with students surfaced. In Southington, the district entered into an agreement under which Mr. McKernan continued to collect his teacher salary for an extended period of time. In both circumstances, the Superintendents acknowledged that litigation would have been more costly than obtaining resignation through agreements they obtained.

⁹⁸ Conn. Gen. Stat. §17a-101i.

⁹⁹ Conn. Gen. Stat. §17a-101i.

¹⁰⁰ Conn. Gen. Stat. §17a-101i.

¹⁰¹ Conn. Gen. Stat. §17a-101i.

placed on the DCF Child Abuse & Neglect Registry. The superintendent is then required to provide notice to SDE. The current statutory scheme leaves several important gaps.¹⁰²

First, notice to the employing superintendent, and subsequently to SDE, is not required when the substantiation is for neglect, even if the individual is placed on the DCF Child Abuse & Neglect Registry. This is significant because neglect can take many forms, some of which raise important concerns about whether a particular individual should be employed in a position of authority over children.

For example, in East Hartford, DCF substantiated emotional neglect based upon the school administrator's inappropriate comments of a sexual nature. Ex. 209b. The administrator resigned. Because DCF substantiated neglect, rather than abuse, DCF was not required by law to notify the employing superintendent and provide records.¹⁰³ The employing superintendent was notified, however, of the outcome of the investigation¹⁰⁴ and requested a copy of DCF's report for purposes of requesting revocation of teaching and administrative certificates from the state Department of Education. Ex. 206. The request was denied. In its denial letter, DCF explained that Conn. Gen. Stat. §17a-101i was not applicable and the records could, therefore, not be provided because DCF did not substantiate abuse. Ex. 207. The Superintendent nonetheless requested revocation of the administrator's certification and certification was revoked. Ex. 225b. Had the superintendent elected not to request revocation of the administrator's certificate, SDE would have received no information regarding the administrator's conduct, despite the fact that the individual was placed on the DCF Child Abuse & Neglect Registry and the administrator would likely still be certified.

In the case reviewed in Southington, DCF substantiated emotional neglect based upon allegations that a school employee engaged in inappropriate conduct including making inappropriate comments of a sexual nature and inappropriate physical contact resulting in significant emotional trauma to more than one student. Ex. 84. The school employee was not placed on the DCF Child Abuse & Neglect Registry. As with the prior example, DCF was not required by law to notify the employing superintendent and provide records. In this case, however, the school district did not request revocation. In fact, the school district entered into an agreement requiring the individual to seek employment in another district. Ex. 68. Further, the school district's Superintendent signed off on the former employee's application to the State Department of Education for renewal of his certification as a teacher. The application confirmed employment by the Southington school district from 1975 to "present." Ex. 481.

Second, DCF notice to the employing superintendent is not required when school employees are substantiated for abuse but not placed on the registry.¹⁰⁵ While this may be an unusual occurrence it is nonetheless of concern. When a school employee is found to have abused a child, the State Department of Education should be notified and provided with relevant information so that a determination can be made about whether the conduct impacts the individual's professional fitness to perform the duties of his or her position as a certified educator.

¹⁰² Conn. Gen. Stat. §17a-101i.

¹⁰³ Conn. Gen. Stat. §17a-101i.

¹⁰⁴ DCF Policy No. 34-3-6 requires the investigation supervisor to ensure that the mandated reporter is informed of the outcome of the investigation within 5 days of completion of the investigation, using DCF Form 2122.

¹⁰⁵ Conn. Gen. Stat. §17a-101i.

Third, some school districts have interpreted Conn. Gen. Stat. §17a-101i to require notice to the State Department of Education only with regard to current school district employees. Under this interpretation, if an individual resigns from his or her employment prior to the conclusion of the DCF investigation, the superintendent is not required to notify SDE of substantiation because the superintendent is no longer the “employing superintendent.” This potential loophole should be eliminated.

Finally, the statutory notice requirements appear inefficient: notice travels from DCF, a state agency, to a school district which is then required to notify SDE, another state agency. As noted above, this communication chain clearly breaks down with SDE not learning about DCF substantiations that SDE clearly should be aware of.

➤ **RECOMMENDATIONS.**

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

D. THE STATE DEPARTMENT OF EDUCATION IS HANDICAPPED IN ITS ABILITY TO TAKE ACTION WITH RESPECT TO THE CERTIFICATION OF EDUCATORS WHO ARE SUBSTANTIATED FOR ABUSING OR NEGLECTING CHILDREN.

The State Department of Education has an important role to play in protecting children when it comes to the conduct of certified educators. Misconduct by certified educators could well result in revocation of certification. Grounds upon which certifications can be revoked

include being “professionally unfit” and conviction of crimes involving moral turpitude or where continued certification would impair the standing of certificates.¹⁰⁶

The State Department of Education is often handicapped in its ability to act against educators who abuse or neglect children. Except in very rare circumstances, the State Department of Education takes no action to initiate proceedings to revoke educators’ certificates following a substantiation of abuse or neglect by DCF unless there is first a request to revoke made by a school district or other individual.

As noted above the manner in which information flows to the Department of Education can result in SDE not being aware of matters it should be aware of. Transmittal of allegations of abuse or neglect from DCF, a state agency, to school districts, and then from the school districts to SDE, another state agency, has too many opportunities for the communication links to break down. The same problems arise with respect to DCF substantiations of abuse or neglect. Further, school districts are only required to notify SDE of those substantiations for abuse for which DCF places the abuser on the DCF Child Abuse & Neglect Registry. Thus other matters that SDE has a legitimate interest in reviewing may never come to SDE’s attention.¹⁰⁷

Notwithstanding the weaknesses in the information chain SDE endeavors to monitor allegations concerning certified educators. SDE does take action to monitor notices of mandated reports to DCF that SDE receives from school districts. All such reports are received in the SDE Commissioner’s office, referred to and screened by the Legal Division. SDE writes to the school districts acknowledging receipt of the allegations and requesting to be informed of further developments from the investigation and with regard to the educator’s employment. Then SDE waits to see what develops from both the DCF investigation and the school district investigation.

Until the last round of state employee retirements SDE had a full-time investigator who gathered information in connection with allegations made against educators. Further, SDE seeks information from school districts when SDE feels it appropriate with regard to claims coming to SDE’s attention from other sources. Here too, SDE is handicapped. First, not all needed information flows from school districts to SDE. Next, SDE does not have access to the details of the DCF investigation.¹⁰⁸ Finally, not all DCF dispositions concerning educators reach SDE.

At the end of the process there are some instances in which it is appropriate to take action to revoke the certification of an educator. Revocation proceedings are typically requested by superintendents of school districts. In rare circumstances a request to revoke may be made by a responsible manager in SDE. Thus, in practice, here too SDE is largely dependent on having a request from a local school district prior to considering the revocation of certification of an educator.

In fact, the regulations of the State Board of Education point out that requests for revocation “may be made by a board of education, by a superintendent of schools, or *by any*

¹⁰⁶ Regulations of Conn. State Agencies §§10-145d-612(a)(3) and 10-145d-612(a)(4).

¹⁰⁷ SDE has advised us that some other matters come to its attention through other sources. However, ad hoc notice of particular matters is no substitute for an organized mechanism for transmittal of information.

¹⁰⁸ SDE is aware of inconsistencies in the past with respect to what information is shared with school districts. SDE feels that school districts would generally share with SDE the information that the school districts received from DCF. Under present DCF practices the information provided to school districts is limited. Further, SDE’s ability to obtain information should not be dependent on the information shared with school districts.

*person with a legitimate interest...*¹⁰⁹ Under these regulatory provisions it is not necessary for SDE to wait for a request by a school district if SDE otherwise feels it is appropriate to initiate a revocation proceeding.

Significantly improving the flow of information from DCF to SDE will arm SDE with the evidence needed to fully assess whether or not revocation proceedings are warranted. SDE should be prepared to act on meritorious cases whether or not SDE receives a revocation request from a school district.

➤ **RECOMMENDATIONS:**

- (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.

¹⁰⁹ Regulations of Connecticut State Agencies §10-145d-612(b) (emphasis added).

CONCLUSIONS AND RECOMMENDATIONS

1. Although the State Department of Education has access to the DCF Child Abuse & Neglect Registry, state law does not require the Department of Education to check the DCF Registry in connection with certification and employment decisions relating to teachers, administrators, or coaches and the State Department of Education does not routinely use the DCF Child Abuse & Neglect Registry for such purposes.

Recommendation:

- (a) The provisions of Connecticut General Statutes §10-221d should be amended to require the State Department of Education to check the DCF Child Abuse & Neglect Registry prior to issuing or renewing a certification.
2. School districts in Connecticut do not have access to the DCF Child Abuse & Neglect Registry unless they obtain waivers from prospective employees. However, school districts in Connecticut do not routinely seek waivers from prospective employees to check the DCF Child Abuse & Neglect Registry in connection with the hiring process.

Recommendations:

- (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.
3. All school districts do not regularly review and update mandated reporting policies, resulting in policies that are not consistent with current legal requirements.

Recommendations:

- (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 mandated reporter; (2) what must be reported; (3) the required time frame for both verbal and written mandated reports; and (4) that retaliation against mandated reporters for filing reports is prohibited.
- (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 mandated reporter; (2) what must be reported; (3) the required time frame for both verbal and written mandated reports; and (4) that retaliation against mandated reporters for filing reports is prohibited.
- (c) The provisions 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.

4. There is no system to ensure that all school district employees who are mandatory reporters are adequately trained with respect to their obligations as mandated reporters.

Recommendations:

- (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 and in accordance with such certification. 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.
5. Suspicion or belief of abuse or neglect by school employees is not always reported to DCF as required by law. Mandated reporters are required to report to DCF and those in charge of their school whenever they have reasonable cause to suspect or believe child abuse or neglect. Mandated reporters sometimes fail to report to DCF their suspicions that school employees have neglected or abused a child. Instead of filing reports with DCF as required by law, some mandated reporters simply inform their supervisors of their suspicions, who do not always report the matter to DCF or who only file reports after a significant delay.

Recommendation:

- (a) To ensure that all suspicions 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.
6. DCF does not have a system in place to document and address either the failure to make mandated reports or delays in mandated reporting.

Recommendations:

- (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.¹¹⁰

- (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 mandated reports.

7. Although the SDE is required to be notified of reports of abuse or neglect filed against licensed educators, gaps in legal reporting requirements and failure to follow existing requirements mean that the State Department of Education is rarely notified of mandated reports concerning certified educators. DCF does not notify the SDE directly of allegations of cases of abuse or neglect but instead is required to notify local school authorities. DCF only notifies school officials of reports of abuse or neglect filed by mandated reporters, not reports made by other individuals. Local school authorities do not always notify the State Department of Education of the reports made to them by DCF.

Recommendation:

- (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.

8. DCF is, at times, hindered in its investigations of abuse or neglect due to delays or refusal of school districts to provide information relevant to its investigation.

Recommendation:

- (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.

9. School districts often conduct their own investigations prior to contacting DCF or the police, hindering the ability of trained investigators to conduct a proper investigation.

Recommendation:

- (a) Mandated reporting laws should be strictly adhered to.

¹¹⁰ While we limit our recommendation here to school districts as that is the focus of this investigation, DCF should certainly consider this recommendation in the context of all mandated reporters.

- (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.
 - (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.
 - (e) Good communication between school districts and law enforcement in actual cases should result in proper coordination.
10. The quality of DCF investigations is inconsistent and the investigations are not always complete or thorough.

Recommendations:

- (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.
11. School districts do not always take adequate action to hold educators accountable for inappropriate conduct.

Recommendations:

- (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.
12. When DCF substantiates an allegation of abuse by a certified school employee and places such employee on the DCF Child Abuse & Neglect Registry, DCF must inform the local superintendent of schools and the superintendent is required to suspend the employee and notify the Commissioner of Education. However, the State Department of Education is often not notified when DCF substantiates allegations that a certified school employee has abused or neglected a child. DCF is only legally required to report to school superintendents substantiated cases of abuse, not neglect, even if the individual is placed on the DCF Registry. DCF is not required to provide this information directly to SDE. Instead, it is the responsibility of the school superintendent to notify SDE. However, it appears that such notification to SDE does not always take place.

Recommendations:

- (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 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 or neglect.
13. Except in very rare circumstances, the State Department of Education takes no action to initiate proceedings to revoke educators' certificates following a substantiation of abuse or neglect by DCF unless there is first a request to revoke made by a school district or other individual.

Recommendations:

- (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.

Dated at Hartford, Connecticut, this the 8th day of July, 2010.

RICHARD BLUMENTHAL
ATTORNEY GENERAL

JEANNE MILSTEIN
CHILD ADVOCATE

APPENDIX

Our investigation carefully explored how allegations of abuse or neglect by school district personnel were handled both by the school districts and by the Department of Children and Families. During the course of our review we became very concerned that the child protection system was not adequately protecting children. We reviewed records concerning numerous matters, some of which we explored in depth.

This Appendix presents several case studies in greater depth. We have chosen these case studies as illustrative examples since they, both individually and collectively, demonstrate the effects of the serious systemic weaknesses revealed during the course of our investigation. These five school districts include two urban school districts and three suburban school districts in different parts of the state. The illustrative examples are presented alphabetically by school district.¹¹¹

It should be noted that while we examined all of these matters in depth we did not undertake to resolve all outstanding factual disputes. To understand the manner in which these matters were addressed by the child protection system we focused on the following: (a) the nature of the allegations of abuse or neglect; (b) whether mandated reporters made mandated reports concerning the allegations; (c) whether mandated reports were timely; (d) the manner in which the school district addressed the allegations from beginning to end; and (e) the manner in which DCF addressed the allegations. Our discussion of each of these illustrative examples follows.

A. BRIDGEPORT SCHOOL DISTRICT.

During the course of this investigation, investigators learned of serious allegations having been made concerning a school principal and security guard in the Bridgeport school district.¹¹²

The Office of the Attorney General was provided with photographs depicting the following:

- Manuel F.¹¹³, a student, is sitting in a chair. The principal is standing behind the chair and holding the child's wrists to the arms of the chair. The security guard is standing next to the chair holding what appears to be a black baseball bat or a form of police or security baton over his shoulder with one hand and a roll of what appears to be a roll of tape in the other hand. All are smiling. Ex. 322.
- Manuel F sitting in a chair with his ankles and left wrist taped to the chair. The security guard is leaning over Manuel and appears to be taping Manuel's right wrist to the chair.

¹¹¹ Due to the career path of a former school administrator the references to East Hartford are included in the discussion of the illustrative examples from New Haven.

¹¹² Distilling the facts in this situation was particularly challenging since the school district personnel against whom the allegations were made, the school district, and several of the key witnesses are parties to a series of legal actions, some of which remain pending. Further, one of the former school employees who is a witness was charged and convicted of a felony arising out of financial misconduct associated with a school district after school program. Nonetheless, certain key facts relevant to the findings and recommendations in this report are not in dispute.

¹¹³ Manuel F is a pseudonym which is being used to protect the privacy of the student.

One other partially obscured person who appears to be another child is in the photo. Ex. 319. Manuel is wearing different clothing from the clothing in the first photograph.

- The principal in a room lying across a conference table. The principal is smiling and wearing a suit. Ex. 320.
- A child lying face up on a conference table. The principal is standing next to the table, leaning over the child and holding the child on the table. Ex. 321.

Receipt of the photos triggered a number of actions by both the Attorney General and the Child Advocate, including an in-depth investigation of the actions taken by mandated reporters, the local school district, and the Department of Children and Families. The facts of this case illustrate a number of shortcomings, including: (a) failure by mandated reporters to file timely reports to DCF (b) gaps in the DCF investigations and (c) the failure of the Bridgeport school district to undertake a timely and thorough human resources investigation regarding the manner in which a school principal and school security guard interacted with children.

The first record raising concerns about the principal is a letter from a school employee to an Assistant Superintendent of Schools in March 2004. The employee made numerous allegations which provided several investigative leads. Ex. 390. On June 7, 2004, another employee sent an e-mail to the Assistant Superintendent seeking a meeting regarding the situation with the principal. Ex. 404. The same two employees claim that on June 25, 2004 they observed the principal with a child laying across his lap in his office while the principal touched the child's buttocks in a kneading fashion. Neither employee filed a report with DCF or reported the concerns to other school employees.

It appears that the school district initiated a sexual harassment investigation in late June 2004. This included a meeting with one of the complaining employees. Ex. 334, 335. While the Bridgeport school district did begin a sexual harassment investigation no mandated report was made to DCF. Nor did the school district take steps to further investigate the principal's interaction with students.

During the same general time period the principal began asking about issues affecting an after school program. Ex. 340. Some time before August 2, 2004, the principal reported concerns to the school district regarding the alleged misappropriation of funds for the after school program. The Auditors of Public Accounts requested the Department of Education to review a complaint alleging that the two employees were misappropriating funds from an after school program. Ex. 343, 348. On March 30, 2005, the State Department of Education confirmed some of the allegations, identified salary documentation issues warranting grant fund recovery, and concluded that the overall purpose and function of the grant was performed. Ultimately one of the employees was charged with and convicted of criminal charges associated with the funds.

On September 17, 2004, the then Superintendent of Schools made a report to the Bridgeport Police after a school district employee reported to her that the principal had taped a student to a chair and that a picture was taken by a security guard. Ex. 346, 347. The Bridgeport Police investigated. The principal and security guard admitted to taping the child to a chair but indicated that it was done in fun. A witness reported that the child had been taped more than once, that it was done in fun, but that the child cried on at least one occasion. The police determined that no criminal charges were warranted. Neither the Superintendent of Schools nor

the Bridgeport Police Department reported the concerns to DCF, as required by law. In addition, no action was taken by the Bridgeport school district to investigate whether disciplinary action should be taken against the principal and/or security guard.

The two employees filed a sexual harassment claim with the Commission on Human Rights and Opportunities on December 16, 2004 arising out of the principal's alleged conduct in the workplace. In January 2005 attorneys for the Bridgeport school district began an investigation into the sexual harassment claims. Ex. 354, 468. While the focus of the investigation was on the principal's alleged treatment of adults, a number of school employees made allegations with respect to the principal's conduct at school.¹¹⁴ Ex. 354, 468. First, these allegations clearly should have been the subject of a mandated report to DCF. They also provided several investigative leads that should have been pursued at the time

The school district attorneys prepared a comprehensive report in May 2005. The last line of the report states: "Although the focus of this report is on sexual harassment, I note two allegations relating to conduct with children. I did not look into those items, but the District may want to inquire further." Even though the allegations clearly raised a reasonable suspicion of abuse or neglect, no DCF report was filed. Nor did the Bridgeport school district act on the recommendation of its attorney that the allegations relating to conduct with children be explored further.¹¹⁵

The first report made to DCF regarding the principal was on November 25, 2005. Ex. 360. The report focused on the allegations that staff observed a young boy lying across the principal's lap while the principal was playing with the child's buttocks; that the principal threatened to kick students; and that the principal taped a student to a chair making the student cry. The DCF investigator communicated with the school district's Director of Social Work who indicated that an internal investigation was under way and that she needed to check and see what information could be shared with DCF. The only information provided by the school district to DCF at the time was the case number for the September 2004 report filed with the Bridgeport Police. The State Department of Education was not notified of the referral.¹¹⁶

The DCF investigation included interviews with a number of witnesses. Some of these interviews have significance in connection with this report.

First, while the principal denied wrongdoing he admitted to the DCF investigator a number of things that are significant with respect to follow-up by DCF and by the school district. For example, the principal admitted to taping a student to a chair. The principal claimed that the student was able to rip right out of the tape and did not cry during the incident as reported. During the course of the interview, the principal admitted that he tells students with low grades that they need to pick their grades up or they will visit with "Mr. Boot," referring to his shoe. The principal also admitted that he hits children on the head. He demonstrated this to the

¹¹⁴ These allegations overlapped with the prior allegations concerning the principal that the school district never included in a mandated report to DCF. The allegations are not repeated here since some of them are of a personal nature.

¹¹⁵ The Bridgeport school district did discipline the principal regarding the sexual harassment of adult school district employees. The principal was reprimanded, served a thirty day suspension without pay and was required to attend sexual harassment training. Ex. 391 — 393.

¹¹⁶ While notice to SDE is required under Conn. Gen. Stat. §17a-101c, such notice was not required in this instance because the report was not filed by a mandated reporter.

investigator by calling over a student, asking the student if he wanted a single or double. The student said "single." The principal then asked "do you want it light, medium, or hard." The student responded "hard." The principal then asked "with a blindfold or without." The student then said "without." The principal hit the student on the back of the head and said he hoped the student felt better. In response to a question by the principal, the student confirmed that the principal does this in front of the student's parents. The principal stated he does this to build rapport with the students. The principal explained that if the student said "with a blindfold," the principal would have covered the student's eyes. Similarly, the school security guard admitted taping the student to the DCF investigator. Ex. 360.

The DCF investigator's interviews included a former school employee whose statements to DCF included expressing the belief that he would not leave his children alone with the principal. This former employee indicated that children sit on the principal's lap and that sometimes they play along but other times are bothered. He was not able to identify any specific students.¹¹⁷ This former employee, a mandated reporter, never reported his concerns to DCF. He claimed that he feared retaliation.

The DCF investigator sought a copy of the school district's sexual harassment investigation. Only a redacted copy was provided and that copy was provided one week after the request. Ex. 360.

The DCF investigator interviewed the two children identified by witnesses. One child indicated that he did sit on the principal's lap while the principal worked on his computer but denied any inappropriate touching. Ex. 360. The other child, Manuel F., stated that he had been taped to the chair, that the principal laughed, and the child asked what the joke was. Manuel stated that the principal was his best friend and did not do it to try to hurt him. He explained that he was a "trouble maker" and that the principal was trying to help him. Ex. 360. The DCF investigator did not review the educational records for either child. A review of such records may have shed light on the perspective of the children and offered other important avenues of inquiry related to whether the children had experienced abuse or neglect. For example, Manuel F. had cognitive limitations, attention deficit hyperactivity disorder, and school performance well below grade level.¹¹⁸ Ex. 386, 387. The other child had been referred for assessment due to concerns about the child's behavior, including concerns he was touching himself inappropriately. Ultimately DCF did not substantiate abuse or neglect. The DCF determination was based largely on the fact that the children involved did not express any concerns related to their contact with the principal.

At the conclusion of its investigation, on February 7, 2006, DCF provided a ten page report to the Superintendent of Schools detailing the information gathered during its investigation. Ex 364. The report details all of the witness interviews and information disclosed, including the details of their investigation described above.¹¹⁹ Under the heading "Areas of Concern," the report notes that the principal may have displayed inappropriate objects on his desk and wore a tie to school with a naked woman on the backside. Ex. 364. The report goes on to state "[t]he Department believes that [the principal] demonstrated poor judgment in wearing

¹¹⁷ He also made some comments regarding those allegations that we are not repeating here.

¹¹⁸ Numerous concerns were noted regarding the school's compliance with the Individuals with Disabilities Education Act and its ability to adequately meet the needs of this child.

¹¹⁹ It is no longer DCF practice to provide such detailed reports to school superintendents.

and showing the tie to school staff in the hallway and while working with children. It is recommended that the Board of Education take whatever action is deemed appropriate in response to this matter." Ex. 364.

The Bridgeport school district relied on the DCF report rather than conducting its own human resources investigation to ascertain whether or not the principal and/or security guard committed misconduct in connection with their duties, adhered to school district policies, and in the case of the principal adhered to the Code of Professional Responsibility for Administrators. The Superintendent did write to the principal on February 10, 2006 admonishing him not to engage in the conduct identified. Ex. 466. The letter stated: "You are not to have children sitting in your lap; you are not to tape children to chairs or otherwise similarly restrain them; you are not to threaten to kick children even if in jest (reference to your "Mr. Boot" remarks); you are not to strike children on the head even if in jest; you are not to tell teachers not to call the Department of Children and Families if they feel it is appropriate to do so." Ex. 466. The letter was copied to the principal's personnel file but did not constitute a reprimand for purposes of disciplinary proceedings. The principal then returned to his position.

Approximately nine months later, on December 28, 2006, DCF received a letter with a copy of six photos. Ex. 365, 366, 367; Ex. 474, 475. The six photos were as follows:

- Manuel F.¹²⁰, a student, is sitting in a chair. The principal is standing behind the chair and holding the child's wrists to the arms of the chair. The security guard is standing next to the chair holding what appears to be a black baseball bat or a form of police or security baton over his shoulder with one hand and a roll of what appears to be a roll of tape in the other hand. All are smiling. Ex. 366 (top photo). This is the same photo described above as Exhibit 322.
- Manuel F sitting in a chair with his ankles and left wrist taped to the chair. The security guard is leaning over Manuel and appears to be taping Manuel's right wrist to the chair. Two other partially obscured people are in the photo. Manuel is wearing different clothing from the clothing in the first photograph. This is the same photo as described above in Ex. 319 but is "zoomed out" showing more of the background.
- The principal in a room lying across a conference table. The principal is smiling, wearing a suit. Ex. 320. It appears that the principal is not wearing shoes and there is a woman in the background. Ex. 367 (middle photo); Ex. 476 (top photo). This is the same photo as described above in Exhibit 320 but is "zoomed out" showing more of the background.
- The principal is shown standing at the side of a conference table. A child is lying on the table. The principal is leaning over the child and appears to be holding the child down. There is a woman in the background. Ex. 367 (bottom photo); Ex. 476 (bottom photo). This is the same photo as described above in Ex. 321 but it is "zoomed out" showing more of the background.
- The security guard taped to a chair, with tape across his face, arms, torso, wrists and shins. Ex. 366 (bottom photo) and Ex. 475 (top photo). This photo was developed on June 18, 2002. Ex. 475.

¹²⁰ Manuel F is a pseudonym which is being used to protect the privacy of the student.

- Manuel F. sitting in a chair with his hands behind his head. The principal has his hands on Manuel's elbows. Both are smiling and appear to be posing for the photo. Ex. 367 (top photo) and Ex. 475 (bottom photo). The photo was developed on June 18, 2002. Ex 475.

While DCF clearly received the letter and photos, there is no information in the DCF case file documenting that the photos were received, reviewed, or acted upon in any way. Given the lack of documentation, it appears that the letter and photos were simply filed with the closed file. There is no evidence that the photos were shared with either the Bridgeport school district or the State Department of Education.

On January 16, 2008 information similar to that reported to the school district in July 2004 and to DCF in November 2005 was brought to the attention of the Office of the Attorney General. The Office of the Attorney General forwarded this information, including 4 photographs, Ex. 319 — 322, to the DCF Legal Division. There is no documentation in the DCF records that we reviewed showing that a Hotline report was initiated as a result of this contact.

These same 4 photographs were later reviewed by the Office of the Child Advocate. Office of Child Advocate personnel reviewed the November 2004 investigation, determined that the photographs were not reviewed by DCF during the course of that investigation, and called in a DCF Hotline report. This Hotline report was called in on February 8, 2008. Although apparently accepted by DCF for investigation no action was taken on the report until it was "reentered" on April 8, 2008. Ex. 477-1, 477-2. Coincidentally, the Attorney General and Child Advocate jointly wrote to DCF Commissioner Susan Hamilton on April 4, 2008 to urge Commissioner Hamilton to direct DCF personnel to undertake a proper and complete investigation. Ex. 375a. Commissioner Hamilton wrote back on April 10, 2008 indicating that an investigation would be conducted. Ex. 375b. Neither the communications from the Office of the Attorney General to DCF's Legal Division nor the correspondence between the Attorney General, Child Advocate and DCF Commissioner were contained in the DCF case file when it was reviewed for this investigation. This is significant because the correspondence included information that was new to DCF and should have been explored by DCF in a timely fashion. Instead, the DCF record states "These allegations were investigated in 2005 and were unfounded. ISW has been instructed to interview all involved parties again..." Ex. 372.

The DCF investigator re-interviewed the principal, the security guard, and Manuel F. Their statements were substantially the same as during the November 2004 investigation. Ex 379. Once again DCF did not substantiate allegations of physical neglect and physical abuse. DCF concluded that the child was taped to the chair, the school administrator, security guard, and child reported that they were "playing around," and the child was not upset about the incident. The case was closed with no further action by DCF. Ex 379. The school district received a notice that there was no reasonable cause to believe a child had been abused or neglected by a school employee. Ex 382. No further action was taken by the Bridgeport school district.

When interviewed in the fall of 2009 as part of this investigation, the Superintendent of Schools indicated that he was unaware of the existence of any photographs until very recently. The Superintendent initiated a human resources investigation and placed the principal and security guard on administrative leave pending the completion of the investigation. The Bridgeport school district advised the principal that termination is being considered, and

provided him with a statement of the reasons for the disciplinary charges. Ex. 565, 566. On June 14, 2010 the Bridgeport Board of Education voted to terminate the principal. The Superintendent of Schools provided the principal written notice of his termination on June 16, 2010. Ex. 567.

B. NEW HAVEN AND EAST HARTFORD SCHOOL DISTRICTS.

The cases reviewed in the New Haven school district illustrate a situation in which repeated complaints about a school principal did not result in an appropriate response by either mandated reporters, DCF, or the New Haven school district. Our concerns are the following: (a) several instances of mandated reporters failing to make timely reports to DCF; (b) failure of the New Haven school district to cooperate with the DCF investigations; (c) inadequate DCF investigations; (d) the failure of the New Haven school district to take appropriate action to protect children from this principal. On the positive side, we note the appropriate and timely response of the East Hartford school district, to which the principal transferred in 2007.

1. Complaint #1— Principal Accused of Hitting a Child With A Belt

This principal began working for the New Haven school district in 1987. In 2002 he became the Principal of a New Haven K-8 school. In March 2003 Tyrone,¹²¹ a student, alleged that the principal hit him with a belt. Tyrone's mother reported this incident to a Director of Instruction for the New Haven school district. According to the mother, this Director said he would notify the Superintendent. No one contacted the mother to follow up. More significantly, no report was filed at this time with DCF. Ex. 104.

The mother filed a report with the police about one week later. Ex. 105. The police report notes that the police officer notified Yale Child Study of the incident and that Yale Child Study would inform DCF of the incident. Although a hotline report was legally required, there is no record of one.¹²² The police officer interviewed the principal, who denied the allegations. The officer also interviewed the Director who said the school was conducting an investigation.¹²³ Ex. 105. No criminal charges were pursued.

Ten days later, on March 27, 2003, the mother filed a report with DCF. A DCF investigator interviewed Tyrone who reported being hit with a belt by the principal on one occasion and hit with a stapler on another occasion. During the interview, Tyrone identified three other boys whom he believed had been physically disciplined by the principal. Ex. 104.

The DCF investigator went to the school and interviewed James,¹²⁴ one of the three children. James was interviewed in the presence of a teacher selected by the principal, who was aware that he was the subject of the investigation. James denied any physical abuse. The DCF investigator and a police officer interviewed a school secretary who described Tyrone as generally disruptive, that she had seen Tyrone leave the principal's office crying, and that she believed the door to the principal's office had been open. The principal was interviewed by DCF

¹²¹ Tyrone is a pseudonym which is being used to protect the privacy of the student.

¹²² See Conn. Gen. Stats. §17a-101a; see also § 17a-101(b) (listing police officers and mental health professionals as mandated reporters).

¹²³ New Haven Public Schools was unable to provide meaningful documentation regarding an investigation of the allegations.

¹²⁴ James is a pseudonym which is being used to protect the privacy of the student.

and the police investigator. He denied the allegations and claimed that Tyrone's mother had been an employee of the school who was recently "let go" and surmised that she was retaliating against him. Neither DCF nor the police interviewed either of the other two boys identified by Tyrone as having been subjected to physical abuse by the principal. Ex. 104.

DCF found the allegations to be unsubstantiated and the case was closed. Ex. 104. DCF took no action to address the fact that neither the school, Yale Child Study, nor the police filed a hotline report.

2. Complaint #2— Principal Accused of Physically Abusing and Making Inappropriate Remarks to Students

In July 2003 a report was filed with DCF alleging that this individual, still Principal, was physically abusing students. Ex 106. The reporter was a mandated reporter but indicated that she did not report previously to DCF because she didn't know DCF was the proper agency to report to. The reporter alleged that several students had told her that they had been pushed by the principal. The reporter also alleged that the principal made inappropriate comments to third grade students including making comments about men and women getting naked and jumping into bed with each other and about not growing up to be "whores and prostitutes." The caller also reported two other incidents in which teachers had pushed or grabbed Kindergarten and 2nd Grade children. The caller reported that she feared retaliation for making this report. Ex. 106.

The DCF investigator attempted to contact three of the five students named in the report. One of the two remaining students was Tyrone, whose allegations were investigated by DCF four months earlier. The DCF report notes that Tyrone was not interviewed here in light of the prior investigation concerning Tyrone. The DCF investigator sent a letter out to the parents notifying them of the report and asking that they contact DCF. The DCF investigator made no other attempt to call or visit the homes of the identified children in order to talk to them about the allegations. Ex. 106.

The New Haven school district was contacted by DCF. An administrator in the school district's central office told DCF that a teacher had recently sent a long letter making allegations about staff members. The DCF investigator asked for a copy of the letter. The administrator said she did not know if she should have mentioned it and needed to ask her superiors whether she could provide it to DCF. The New Haven school district later refused to provide DCF a copy of the letter. Ex. 106. As recorded in the DCF case file: "[the Director of Personnel] stated that since our reporter was anonymous she could not give us a copy of their report because they did not want to open another gate if the reporter was not the same person." The Director of Personnel claimed that the person making the complaint was a disgruntled employee. DCF never obtained a copy of the letter.¹²⁵ Ex. 106.

The principal was interviewed by DCF. He denied the allegations. From his statements to DCF it is clear that he assumed he knew who the reporter was and claimed that she was trying to "sabotage the positive impact of the new administrator." DCF interviewed one of the other two

¹²⁵ We did obtain a copy of this letter during the course of our investigation. Ex. 133. The letter was from a teacher. In fact it contained allegations that the principal physically abused students. The contents of the letter clearly should have been reported to DCF as a mandated report. None of the New Haven school district personnel who had access to the letter took any action to report it to DCF. Instead, the school district sent the letter to its attorney, nearly one month later, seeking advice on how to proceed. Shortly thereafter, the teacher was transferred to another school.

other teachers identified by the caller as having abused other students. This teacher denied the allegations. Ex. 106. The investigation was closed without interviewing any of the children identified in the report or attempting to identify any witnesses who could have corroborated any of the information in the report. The case records note that "The New Haven Board of Education was very stringent about the information they would give to us and were not very cooperative in allowing us to complete our investigation." Ex 108. No action was taken regarding the mandated reporter's delay in reporting, or the New Haven school district's failure to report allegations contained in the letter the school district refused to provide to DCF.

The President of the teacher's union protested the fact that the teacher who authored the letter that the school district refused to provide to DCF was transferred and provided the Superintendent of Schools with the names of four parents who had complaints about the principal. Ex. 107. The teacher's union President described the complaints as including allegations that the principal used the word prostitute when lecturing young children, harassed parents, spoke with sexual overtones, and misappropriated PTO funds. She relayed the concern of the parents that the complaints were not being taken seriously and that serious matters were being swept under the carpet. Much of these concerns should have been reported to DCF. The New Haven school district was unable to provide any evidence that these concerns were either reported to DCF or otherwise addressed.

Beginning September 2004, the next school year, this principal became the Principal of a different school in New Haven, a middle school. More reports are filed concerning his conduct.

3. *Complaint #3— Making Inappropriate Remarks to a Student*

In December 2004 another report was filed with DCF concerning the principal. Ex. 109. This time Elaine,¹²⁶ a 14 year old student complained that the principal made inappropriate comments to her. Elaine was involved with Juvenile Court proceedings for truancy and fighting. Elaine reported to her Juvenile Probation Officer, that the principal wanted to "get with her." The probation officer asked Elaine to put her concerns in writing. She reported that the principal told her that he wanted to be her best friend and could tell him about her sex life. She also reported that he talked about having intercourse with her. The Juvenile Probation Officer did not file a mandated report until approximately one week later.¹²⁷ Ex. 109.

The DCF investigator in this matter made no attempt to coordinate with the New Haven Police prior to interviewing Elaine. When Elaine was interviewed by the DCF investigator, she reported additional comments made by the principal, said he had offered to come to her house, said she considered engaging in a sexual relationship with him, and that she decided against that because she knew it would be wrong. She reported that she had heard rumors that other girls called the teacher a "pervert." Ex. 109.

Prior to interviewing the principal, the DCF investigator contacted the New Haven Police Department. The detective assigned to the investigation reported that he had "not done anything yet" but heard that the child was not credible. He asked the DCF investigator to "hold off" on his investigation as the detective may not be doing anything with the case. The DCF investigator

¹²⁶ Elaine is a pseudonym which is being used to protect the privacy of the student.

¹²⁷ This is significant since this report should have been made within 12 hours under the mandated reporter laws. Conn. Gen. Stat. §17a-101b(a).

spoke with DCF supervisors and determined it was necessary to proceed with the interview of the principal. He indicated that he did not recall Elaine and that he rarely has contact with students. He denied the allegations, stating that he had spoken with Elaine, along with a group of girls, about straightening out her life. He also talked about Elaine's recent expulsion from school based upon a fight with another student that occurred off school grounds. Ex. 109.

When interviewed by the DCF investigator, the probation officer reported to DCF that she had "heard through the grapevine" that the principal was "inappropriate with other students." Ex. 109. Nothing in the DCF file indicated that the probation officer was asked to identify any of the other students. The probation officer indicated that in her conversations with the principal, he indicated that he had been working with Elaine and got her back into school. It was the probation officer's impression that the principal was taking credit for getting Elaine to do better in school. Ex. 109.

During the course of the investigation, Elaine indicated that she had expressed concerns the school resource officer (a New Haven police officer assigned to the school). The school resource officer was not forthcoming with information for the DCF investigator and instead referred the investigator to a detective who was conducting a parallel investigation. DCF follow-up calls to the detective were not returned prior to the time DCF closed the investigation. Ex. 109.

DCF did not substantiate the allegations and closed the case. At the time of case closure, the DCF investigator noted several program concerns revealed during the investigation. These included the conflict between the principal's inability to recall Elaine and his claim that he had "rare contact" with students and the probation officer's statement that the principal had taken credit for getting Elaine back into school. The DCF report also noted the alleged rumors that the principal was inappropriate with other students, the prior report alleging that he told young students they didn't want to grow up to be "whores or prostitutes" and making reference to men and women taking off their clothes and jumping into bed together. The DCF report concludes: "It should be noted that during this investigation no other students were named as victims of sexual abuse by [the principal] but in the future if any come forward i[t] is recommended that [the principal] be removed from the school and a criminal investigation be done." Ex. 109.

4. Complaint #4— Making Inappropriate Remarks to a Student

About one month after the DCF investigation concerning Elaine's allegations was closed another DCF report was made concerning the principal. This report concerned Marcia,¹²⁸ another 14 year old student, who claimed that the principal made comments to her about prostitution. The same DCF investigator who investigated the complaint concerning Elaine was assigned to this complaint. Ex. 110.

Marcia was interviewed by DCF. She described her recent suspension from school, admitted that she swore at the principal, and expressed that she felt the suspension was not fair because the other students involved did not also get suspended. When prompted, Marcia also disclosed that the principal made inappropriate statements to her previously. She reported that he asked her if she wanted to be like the prostitutes on the corner, touched her face and said she was pretty. He told her that she looked thick, referring to her legs. She said his comments made

¹²⁸ Marcia is a pseudonym which is being used to protect the privacy of the student.

her uncomfortable. She reported that the principal had made similar comments to her friend. She also reported that she heard rumors about the principal and other girls at the school. Marcia's parent indicated that she was aware of other parents who had concerns about the principal and she was trying to gather information. Ex. 110.

During the course of the investigation the DCF investigator also spoke with a DCF social worker who was working with Marcia's family. This DCF social worker indicated that she felt Marcia was credible. Ex. 110.

The principal was interviewed and denied the allegations. He noted that since the December 2004 investigation he always has someone with him when he is meeting with a student. He claimed that he spoke with Marcia and several other students on the date of her suspension and that a school security officer was in his office at the time. The security officer corroborated that statement. Ex. 110.

The DCF investigator did not question the principal about his prior interactions with Marcia, even though Marcia had also raised concerns about earlier comments. Nor did the DCF investigator attempt to identify other potential witnesses to corroborate either Marcia's or the principal's statements. Ex. 110.

DCF determined there was not enough evidence to substantiate the allegations and closed the case. The basis for this conclusion was that the principal denied the allegations and it was Marcia's word against the principal's word, that Marcia's behavior resulted in suspension, that the principal reduced the number of days for which Marcia was suspended, and that Marcia was friends with another student who made allegations against the principal two months prior. The DCF investigator noted program concerns, stating: "The Department is concerned that this is the second referral in 2 months against [the principal]. Despite the fact that [Marcia] is a friend with the girl who made allegations in December against [the principal] the Department strongly believes that there is truth to the allegations, even though there is insufficient evidence to support it at this time." Ex. 110.

5. Complaint #5 — Alleged Physical Abuse of Child

In May 2005 yet another report was made to DCF regarding the principal. The reporter alleged that he slammed the child against the wall, grabbed him by the neck, and hit him on the face. The principal indicated to DCF that the student was upset about property that had been stolen by another student, that he attempted to calm the student but that the student "went crazy," and that he held the child in a "bear hug" to prevent a fight between the students. The DCF investigator noted a television in the principal's office that recorded all areas of the school and asked the principal if the incident was recorded. He indicated that it probably was and he would have to look for it. Ex. 111.

The child indicated to the DCF investigator that he was upset and did not calm down when the principal asked him to. He described the principal pushing him back with two hands on his upper arms, then grabbing him by the neck and pushing him up against a fence. He said the principal hit the side of his neck and he was able to shrug off the principal and push him away. The child reported that the principal then hit the child's arm while grabbing him. Ex. 111.

The DCF investigator spoke to the New Haven police officer stationed at the school and to the school security officer. Both indicated that the child needed to be restrained to prevent

him from assaulting another child. Neither saw the principal assault the child. The worker never followed up to review the security tapes and the case was closed by DCF as unsubstantiated.¹²⁹ Ex. 111.

6. *Complaint #6 – Allegation of Sexual Abuse in a Different School District.*

In October 2006, the East Hartford school district hired this principal as a principal in one of its schools. He was hired following the ordinary hiring process. East Hartford records reflect that the principal's references were checked and found to be excellent.

About 5 weeks later after starting work, a complaint was filed with DCF regarding Evelyn¹³⁰, a student. The reporter stated that Evelyn complained that the principal was making inappropriate comments to her. Ex. 209b. DCF began its investigation.

DCF notified the East Hartford Superintendent of Schools of the investigation. The Superintendent immediately placed the principal on administrative leave, pending the results of the investigation. Ex. 195. Written notification was provided to the State Department of Education of the complaint. Ex. 194. In addition, the Superintendent directed her staff to begin a human resources investigation and to cooperate with DCF. The East Hartford school district provided documentation to us all of its witness interviews. Of note, the school's investigation included not only an investigation of the specific allegation but included information gathering from staff regarding the principal's conduct. During the course of the school's investigation, several staff shared concerns about some of the principal's comments to students as well as concerns about comments made to teachers that made them feel uncomfortable. Ex. 197A, 197B, 197C, 198 — 201.

The DCF investigator took numerous investigative steps. These included an interview of the principal, conducted in collaboration with the East Hartford school district. He denied any wrongdoing. During the course of the interview he indicated that during his 19 years in education there had only been one prior investigation concerning him, which was unsubstantiated. Ex. 209b. Following the interview, the DCF investigator identified five prior DCF referrals regarding the principal between March 2003 and May 2005, during his tenure as a principal in New Haven. Ex. 209b. All of the prior reports were investigated by DCF and unsubstantiated. Two of the referrals involved allegations of female students remarkably similar to the allegations in the East Hartford complaint. Ex. 209b.

The DCF investigator and the East Hartford school district re-interviewed the principal, confronted him with the prior DCF history and the similarity between the East Hartford allegations and the prior New Haven allegations. Ex. 190. He again denied any wrongdoing. The Superintendent offered the principal an opportunity to resign that day or face termination proceedings. Ex. 190. The DCF investigator continued with the investigation, including interviewing the appropriate student witnesses.

¹²⁹ This report is included for the sake of completeness of the background information concerning DCF Hotline reports with regard to the principal. Clearly the DCF investigator should have reviewed the security tapes before closing the file. Unless the security tapes revealed something different from the various witness statements it was appropriate to close this file as unsubstantiated.

¹³⁰ Evelyn is a pseudonym which is being used to protect the privacy of the student.

Based upon its investigation, DCF substantiated emotional neglect. The principal was placed on the DCF Child Abuse & Neglect Registry. The Superintendent of Schools was notified on March 15, 2007. Shortly thereafter, the Superintendent requested that DCF provide a copy of all records. Ex. 206. The request was denied by DCF on the grounds that Conn. Gen. Stat. §17a-101i was not applicable because the substantiation was for neglect, not abuse. Ex. 207.

On March 30, 2007, the Superintendent filed a formal request for license revocation with the State Department of Education. Ex. 205. The State Department of Education began an investigation regarding license revocation. While the investigation was pending, the principal obtained employment as a school administrator in North Carolina. In March 2008, North Carolina officials contacted the Connecticut State Department of Education and were informed that a license revocation proceeding was pending. Ex. 225A. In May 2008, his certification as an educator was revoked in accordance with a consent agreement with the State Department of Education. Ex. 225B.

C. SOUTHLINGTON SCHOOL DISTRICT.

The example we present with regard to the Southington school district is one that involved allegations of inappropriate conduct of athletic coaches that made female students uncomfortable. The concerns were a local cause célèbre and the subject of several investigations. What is especially notable here is the failure of mandated reporters to make reports, untimely mandated reports and a very weak response to the allegations by the Southington school district.

During the time frame between 2000 and 2002 the Southington school district was scrutinized as a result of revelations of claims of inappropriate sexual conduct between coaches and students in the late 1970's and early 1980's. Among the coaches who were the subject of these claims was a specific teacher, who was also at the time a coach for girls' basketball. The claim made against the coach at that time involved an alleged relationship with a 9th Grade female student. The student made several allegations regarding the coach that raised questions as to whether coach respected proper boundaries with the student. Ex. 72. There were several investigations, including one by the local police. No criminal charges were brought due to expiration of statutes of limitation. Ex. 72. The local police made some recommendations for the future including girls' sports organizations having a female present at any practices or events, barring males from the girls' locker rooms, and having a female monitor present in girls' locker rooms. Ex. 72. The coach received a verbal warning. However, no other disciplinary action was taken against him. Ex. 23. The then Superintendent of Schools memorialized the verbal warning in writing and stated: "Should any event like this happen again, you will be subjected to further disciplinary actions and/or dismissal." Ex. 23.

In December 2003, a number of chaperones for the girls' basketball team at the school became concerned about the coach. They brought their concerns to a teacher who served as faculty manager for the team.¹³¹ These included the concern that the coach was having inappropriate physical contact with female student athletes in connection with his coaching which made the girls uncomfortable.¹³² Ex. 54 — 58, 70, 88. The faculty manager made no

¹³¹ Teachers are mandated reporters. Conn. Gen. Stat. §17a-101(b).

¹³² There is a factual dispute between the chaperones and the faculty manager as to how the information was characterized and whether there was a sexual undertone to the coach's contact with the students. We have not

attempt to talk with any of the students, did not report the concerns to the school's Athletic Director, the Principal or the Superintendent. Nor did the faculty manager file a mandated report with DCF.

Following the Winter break the chaperones reiterated their concerns to the faculty manager. Again, the faculty manager did not immediately report the concerns to the school's Athletic Director, the Principal or the Superintendent. Neither the faculty manager nor the chaperones filed a report with DCF. This time though the faculty manager did speak with the coach. Ex. 54 — 58, 70, 88.

On or about January 5, 2004, the coach reported to the principal that concerns had been raised about his behavior. Ex 56. When the principal asked the faculty manager about the concerns, she was not forthcoming. Ex 56, 57. Between January 5 and January 7, 2004, the principal spoke to the faculty manager, the chaperones, and the coach. The concerns raised with respect to the coach included: pressing his buttocks against the female student athletes in the course of "box out" drills; doing drills that would lead to frontal contact with the girls; pushing girls; hugging a student; saying to girls "if you do that, I'll kiss you"; collecting photos of the girls for his scrapbook; telling a student that he needed a new picture of her for his scrapbook because she was prettier than the prior year; and commenting to female students that he was a "romantic guy". Ex. 22. The chaperones indicated that they were so uncomfortable that they were considering quitting their jobs. Ex 56.

The principal requested school counselors to interview four female student athletes to determine if they had concerns. The girls confirmed that they were uncomfortable with the coach's comments and physical contact. Their statements were consistent with the information that the chaperones had provided to the principal. Ex. 54 — 58, 70, 88.

The principal contacted the then Superintendent of Schools. On January 8, 2004, the coach resigned his coaching position. In addition, the coach requested and was granted medical leave for a period of four months during which time he agreed to participate in sensitivity awareness or stress counseling. Ex. 67. In addition, prior to returning to work as a teacher, the coach was required to provide evidence to the school district that he was "fit for duty." Ex. 67. The faculty manager was admonished for failing to inform the Athletic Director and building administration immediately about allegations of improper conduct. No disciplinary action was taken against the coach at that time. No mandated report was filed with the Department of Children and Families.

Around March 19, 2004 a parent raised a concern to the then Superintendent of Schools about the coach. Ex. 24. The same parent also filed a sexual harassment complaint. No one in the school district filed a mandated report with DCF.

On March 24, 2004 a student athlete reported additional concerns to a school counselor, including an alleged incident in which the coach hit the student causing a bruise, locking his hands behind her back and holding her in a hug, and attempting to convince the student to go into a closet with him. These concerns clearly made the student uncomfortable. Ex. 11, 84, 88.

endeavored to resolve this factual dispute. However, even viewing the facts in the manner described by the faculty manager there was enough there that the faculty manager should have made a mandated report to DCF. This would have enabled DCF to timely investigate and ascertain what the relevant facts were.

The school counselor did not file a mandated report with DCF.¹³³ The school counselor did prepare a handwritten report, which was provided to the principal on March 25, 2004. Ex. 11. The principal provided this report to the Superintendent of Schools. It was not until March 30, 2004, nearly a week after the concern was first raised in a written report in the school district, that the superintendent directed the principal to file a mandated report with DCF. Ex. 59.

Approximately one month after the hotline report, the Superintendent of Schools notified the State Department of Education. Ex. 478. Six months after the report to the hotline, DCF completed its investigation and provided a report to the Southington school district. Ex. 84. DCF substantiated emotional neglect but the coach was not placed on the DCF Child Abuse & Neglect Registry as a result of the findings. The DCF report noted that the allegations should have been reported to DCF in January 2004, within 12 hours of the report to the faculty manager. Ex. 84, 88. The school district was neither penalized for its delay in mandated reporting nor required to undergo mandated reporter training.

Because DCF substantiated neglect, not abuse, and because the school employee was not placed on the DCF Child Abuse & Neglect Registry, the school district was not required to notify the State Department of Education of the substantiation for emotional neglect. The school district did not request that the State Department of Education revoke the coach's certifications as a teacher or as a coach. Instead, the school district reached a Voluntary Resignation agreement. Ex. 68. Under the agreement the coach resigned, effective June 30, 2006. Ex. 68. During the time period between September 1, 2005 and June 30, 2006, the coach was on a paid leave of absence and entitled to receive all contractual insurance benefits. Ex. 68. He was required to seek employment in another school district. Should he obtain employment, he would continue to receive salary until June 30, 2006. If he failed to obtain employment for the 2006-2007 school year, he would receive an additional one-half year of salary and one full year of insurance. If he could not receive any employment after good faith efforts, the district would pay the cost of 50% of his health insurance through 2009. Ex. 68. Subsequent to this agreement, in December 2005, the coach sought renewal of his certification as a teacher.¹³⁴ The then Superintendent signed his application, certifying that he was employed by the Southington school district from 1975 to "present." Ex. 481. His certification as a teacher ultimately expired June 30, 2009. Ex. 557.

D. WESTPORT SCHOOL DISTRICT.

The case we are presenting with regard to the Westport school district involves the conduct of Paul Held, a Westport teacher for many years. Held was sentenced to 121 months in prison, and then supervised release for the rest of his life, for possession of child pornography.¹³⁵ *USA v. Held*, #3:07CR62 (MRK) (D. Conn. Aug. 30, 2007) (docket item #64).

¹³³ This is significant since this report should have been made within 12 hours under the mandated reporter laws. Conn. Gen. Stat. §17a-101b(a).

¹³⁴ His coaching permit expired October 26, 2004, without renewal. Ex. 557.

¹³⁵ The seriousness of the conduct he was sentenced for is described in the U.S. Attorney's news release. www.justice.gov/usao/ct/Press2007/20070830-5.html. Held had in his possession more than 1000 compact discs, each containing 3000 to 4000 images of child pornography. In addition, Held collected "voyeuristic photos of young girls, including his former students."

Held was brought to justice for outrageous behavior that was dangerous to children. He was also a teacher for many years. Were there any earlier warning signs that could have removed him from contact with children sooner? Unfortunately there were many missed opportunities to prevent the sexual abuse, sexual exploitation, and emotional abuse of students. This example illustrates a number of shortcomings, including: (a) failure to make mandated reports; (b) failure to make mandated reports in a timely manner; (c) failure of the Westport school district to take appropriate action to protect children from this teacher; and (d) an inconsistent conclusion to the DCF investigation which at the same time that it concluded that Held's interactions was inappropriate did not substantiate the allegations that were investigated.

Paul Held was first hired by the Westport school district in 1970. He served as a middle school teacher.

In 1980 a parent complained that Held engaged in an inappropriate conversation with students. One of the students had a tape recorder and recorded Held as the students asked personal questions about his sex life and about whether he had engaged in inappropriate touching of a female student. There is no evidence that the school attempted to investigate whether Held had in fact touched a female student inappropriately. Held indicated that he tried to redirect the conversation but was not successful in doing so. He was given a written reprimand. Ex. 233, 234.

During subsequent years there were many complaints by parents and students regarding inappropriate or insensitive comments to students. Ex. 236, 238 — 248. There were numerous meetings held, observations conducted, and memos exchanged between Held and his direct supervisor. All document a teacher struggling with interpersonal relationships at all levels, lacking in ability to build basic rapport with students, lacking in ability to exercise control over the classroom, and lacking discretion about what material was appropriate for the age and developmental needs of the children being taught. In January 1985, for example, a summary of a conference between Held and two supervisors states "[w]ith regard to the question 'Should Paul be teaching?', I responded that my feeling was that he should not be teaching at the middle school level. We'll continue to examine this question during the period January through April. A recommendation for continued employment will be made prior to April 30th." Ex. 245. Held was nevertheless recommended for continued employment.

This pattern continued throughout the next decade, with numerous complaints and memos memorialized in Held's personnel files. Ex. 249 — 260. For example, in June 1993, Held's supervisor wrote a memo documenting hurtful comments to students. "During one conversation," the supervisor wrote, "it was stated to me in effect that 'it is common knowledge that this teacher engages in needless arguments and makes inappropriate comments to students and this has been known for a number of years'.[sic]" Ex 257.

In 1996, parents of a 7th Grade student complained to the then Superintendent of the Westport school district, that Held made sexually explicit remarks to their daughter. Ex. 262. Notes indicate that students in 5th to 7th grade reported comments by Held such as "flowers symbolize sex ... hearts symbolize love ... I guess means that you love sex." Ex 261. The parents complained that sexual comments were not uncommon in Held's classroom. Ex. 261. No reports were made to DCF of these allegations.

Held's supervisor "investigated" the comments and concluded that Held's comments may have created an "offensive environment" but not an "intimidating or hostile one" Ex 264. He

further concluded that Held was not "at all aware that anything he had said would have been offensive or bothersome." Further, Held was "indeed focused on the art that the students were doing." Held and his supervisor agreed that Held would "be diligent about refraining from using language that may be embarrassing or viewed as out of place by students;" that he would work with someone "to address the question of how to avoid putting his foot in his mouth;" that Held would remove college level text books from his classroom; and that Held would meet with two other middle school teachers "and discuss with them ways that they deal with real artists' work without creating an uncomfortable or age-inappropriate environment." Ex 264. The supervisor did not make a mandated report to DCF.

A regular school district comprehensive evaluation of Held was completed in May 1998. The evaluation notes that Mr. Held continues to approach growth and development as a teacher in a serious manner but then questions whether Held should continue teaching on a middle school level. The evaluation states "[t]he periodic difficulties he created by his lapse in judgment or growth tend to overshadow much of his good work. If he chooses to continue teaching in the 1998-99 school year, I feel that this must be done within the framework of a carefully constructed plan for improvement...." Ex. 278. Nevertheless, the troubling pattern continued.

In late September 2001, a parent complained that Held told students that "Girls can get extra credit for ballet dancing or gymnastics or he can take their pictures while they do that." The parent expressed concern that Held did not mention extra credit for boys and it felt inappropriate. Ex. 286. The parent also relayed a story about Held's belt buckle being to the side and telling students that he does this so it won't hurt them when he hugs them. Ex. 286. Held was questioned by a Vice Principal and said students could indeed receive extra credit if they brought in a picture or video of themselves dancing or doing gymnastics but this did not apply only to girls. He was told by the Vice Principal to announce that all students could receive extra credit. Ex 286.

On October 9, 2001, a student approached a guidance counselor with concerns that Held was using a camera in class in a way that made them feel uncomfortable. She complained that he commented on her appearance and asked to be switched to a different class. Ex 284. On October 11, 2001, a parent called and complained that Held was taking too many pictures. She questioned why he was taking so many pictures and said there were rumors. The parent did not feel comfortable sharing more detail about the rumors. The parent also expressed concerns about other comments related to art and the child's national origin. Ex 286. During this same time period, 6th and 7th grade counselors indicated that students were sharing that they were uncomfortable with Held taking so many pictures. Ex. 286.

Held's supervisor questioned him about his picture taking. Held indicated that he had been asked to take pictures for the yearbook and of a Thanksgiving assembly and the supervisor confirmed this. Held confirmed the story about the belt buckle and admitted that he told the student's to keep it "secret." Held was told to stop taking photos unless requested to do so by a specific teacher for a specific purpose. He was also told not to share the belt buckle story with students. Ex 286.

An October 30, 2001 memorandum by a Vice Principal indicated that another student reported that she felt uncomfortable with Held's comments about how she looked and what she was wearing. She reported that he was always looking at her. Ex 286.

On November 19, 2001 a Deputy Superintendent of Schools wrote a letter to Held summarizing all of the concerns that had been raised about Held during the fall of 2001. The letter noted that Mr. Held could offer no educational reason for offering extra credit to students who provided pictures of themselves doing gymnastics or ballet and noted that "a teacher must not have 'secrets' with students dealing with matters of sexuality." It also noted that Held was taking photos of students "in questionable circumstances." "For example," the letter states "you have taken a number of photographs of students at recess, with the curious explanation that the students are involved in artful movements." The letter notes that such actions have raised concerns among "parents and students over possible inappropriate interest in such pictures." Ex 288. Despite a 20 year history of repeated complaints, memos, and improvement plans, no formal disciplinary action was taken against Held. Instead, the letter warned that if similar concerns are reported and there is evidence that Mr. Held engaged in unprofessional conduct, the school will take serious disciplinary action. Again, no reports were filed with DCF.

About three months later, on March 4, 2002, two students reported that Held rubbed the shoulders of one of the girls and touched her breast on one occasion. One student also reported that Held unzipped her sweatshirt and took it off of her, complimenting her on her tank top. The other student reported that Held had put his hand inside her sweater, touching her skin and asking if her sweater was itchy. Ex. 293 — 295. Within the next couple of days a Deputy Superintendent of the Westport school district informed Held's supervisor that Held was placed on administrative leave pending investigation. Ex. 296. Further, the Principal filed a DCF Hotline report on these reports. Ex. 297.

The DCF investigation included interviews with the principal, guidance counselor and the two students. DCF notified the Westport Police of the allegations. DCF and the Westport Police did not coordinate their interview of the first student. As a result she was interviewed twice, the second time in the presence of the police and DCF investigators. The DCF report included the following conclusion:

The school reports that inappropriate touching has been an issue with Mr. Held. In the 1998-1999 school year a goal was established for Mr. Held is [sic] to avoid touching the students. Since that time, Mr. Held has been reprimanded for inappropriate behavior. [The two students] reported that Mr. Held inappropriately touched them and even removed clothing from [one of the students]. Although there were no witnesses to these events, the Department finds Mr. Held's interaction with the victims to be inappropriate. The Department recommends that School Administration and Westport Police Department continue with their investigation and take disciplinarian [sic] action as needed, based upon their findings."

Ex. 298, 318.

Notwithstanding the conclusion in the DCF report that Held's interaction with the students was inappropriate, DCF did not substantiate the allegations. DCF closed its case with no further action. Ex. 298, 318.

The Westport Police investigation concluded with an arrest of Held. He was charged in June 2002 with Sexual Assault in the 4th Degree, Risk of Injury to a Minor, and Breach of Peace. Ex. 300. Ultimately he was found not guilty¹³⁶ after a jury trial.

During the pendency of the criminal charges the Westport school district proceeded to gather information in order to investigate Held's conduct while considering the possibility of terminating his employment. Ex. 302 through 306. Westport Superintendent of Schools accepted Held's resignation as a teacher effective July 31, 2003, Ex. 307. Held's State Department of Education certification as a teacher expired June 30, 2004. Ex. 562.

As noted at the beginning of this section Held was later convicted of federal criminal charges of possession of child pornography. He was sentenced to 121 months in prison, and then supervised release for the rest of his life. *USA v. Held*, #3:07CR62 (MRK) (D. Conn. Aug. 30, 2007) (docket item #64). Paul Held remains in prison.

¹³⁶ In a criminal case guilt must be proven to the very high "beyond a reasonable doubt" standard of proof. While a not guilty verdict results in no criminal sanctions it does not mean that the conduct did not occur.