

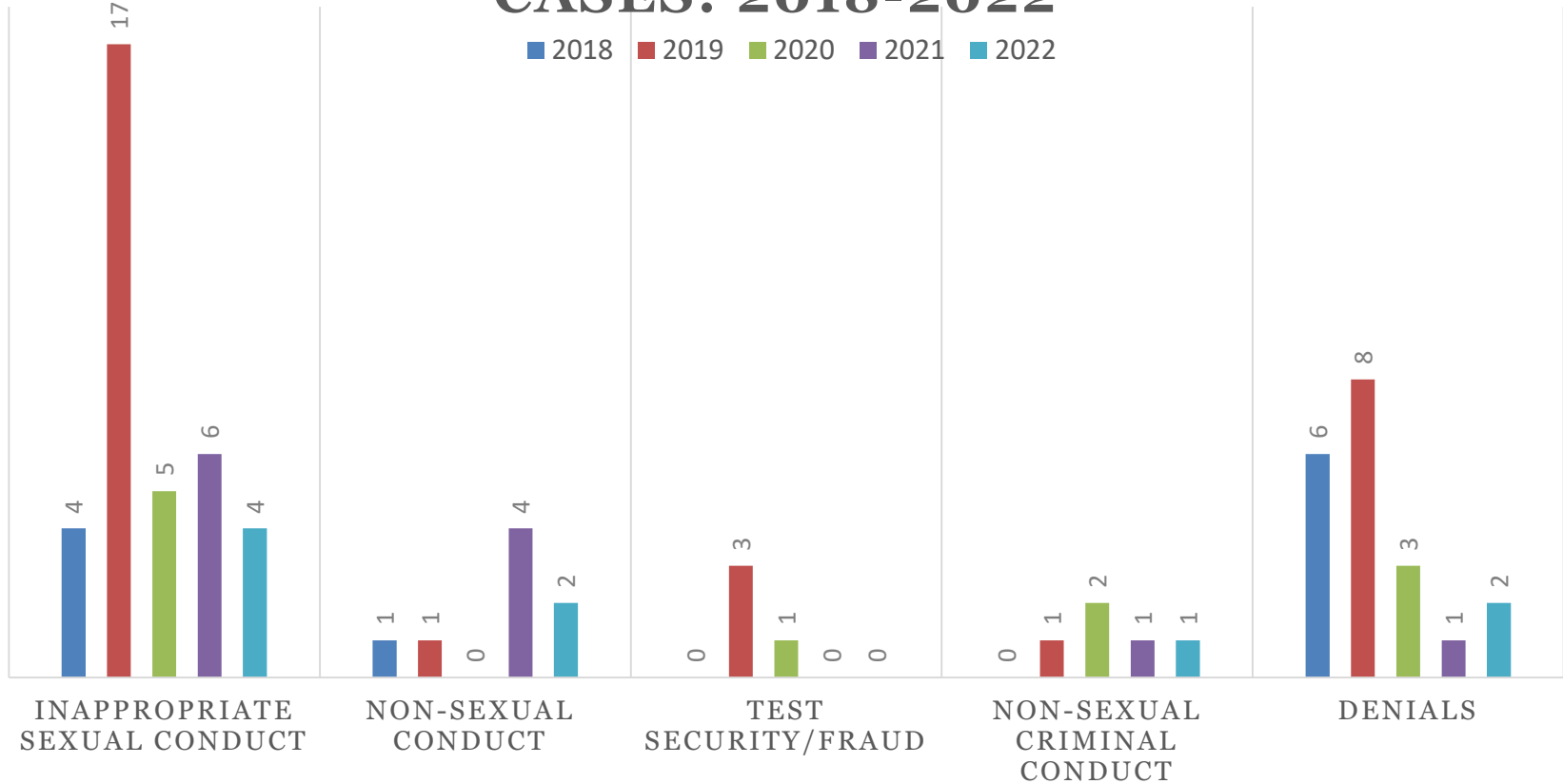


CONNECTICUT STATE DEPARTMENT OF EDUCATION

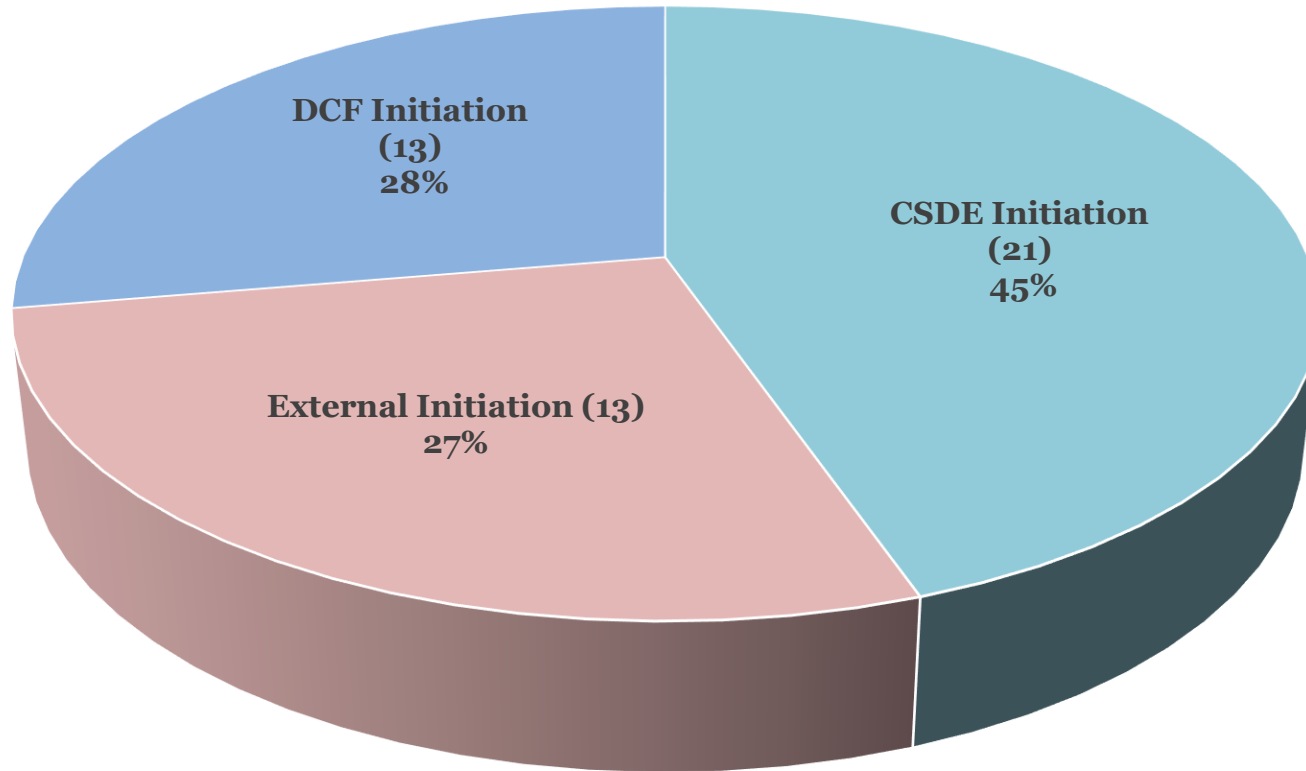
# The Mysteries and Myths about Reporting Educator Misconduct

Title IX Coordinators' Meeting  
October 17, 18, 24 & 25, 2022

# COMPLETED CERTIFICATION ACTION CASES: 2018-2022



# Case Initiation for 47 Completed Cases 2018-2022



# Hypothetical #1

A school district is notified during the federal criminal background check that a person has a sexual assault charge in another state, the school district should:

- (a) Immediately notify the CSDE about the charges;
- (b) Get court records from the state where the crime occurred and then send copy of court records to CSDE;
- (c) Notify other CT districts where the applicant has applied of the conviction ;
- (d) None of the above.



# Required Reporting to CSDE

- Any local/regional BOE or private approved special education facility shall report to CSDE:
  - when an employee, who holds a certificate, authorization or permit is dismissed for moral misconduct [CGS §10-145b(i)(7)]
  - when an applicant for hire has a previous finding of abuse or neglect or sexual misconduct identified during the completion of the statutorily required employment verification checks [CGS §10-222c(3)(b)]



# Required Reporting to CSDE (cont.)

- Any local/regional BOE or private approved special education facility shall report to CSDE:
  - if local/regional BOE receives notice of a conviction of a crime (e.g. in a state or federal court) by a person (1) holding a certificate, authorization or permit issued by the SBOE, or (2) in a nonpaid, noncertified position completing preparation requirement for the issuance of an educator certificate, the local/regional BOE shall send such notice to the SBOE [CGS §10-232a(b)]
    - Only applies to state criminal history checks; FBI results are confidential (CSDE does not complete FBI check of applicants based upon fingerprinting).



# DCF Investigations

- Districts need to assist DCF with determining who in school positions may be certified, authorized or permitted (*especially athletic coaches or marching band conductors*) [CGS §17a-101c]
- If school employee is substantiated for abuse or neglect and is included on the Registry, or the person is a victim of statutory sexual assault by the school employee, Supt must suspend with pay such employee during the DCF investigation.
- Not later than 72 hours, Supt. must notify BOE and CSDE of the reasons for and conditions of the employee's suspension [CGS §17a-101i]



# DCF Investigations (cont.)

- If perpetrating employee's contract is terminated or s/he resigns, supt. must notify CSDE within 72 hours post termination or resignation.
- No local BOE shall employ a person whose employment contract is terminated or who resigned following suspension based on DCF finding if such person is also convicted of crime involving child abuse/neglect or a sexual assault statute (*exception: can hire into an adult education program*) [CGS §17a-101i]





# Records of Misconduct

- CGS §10-151c
  - Records maintained by any local BOE that are records of personal misconduct of a teacher shall be deemed to be PUBLIC RECORDS and shall be subject to disclosure pursuant to FOIA
  - Does NOT require consent of the teacher
  - Teacher is any certified professional employee below rank of superintendent.
  - Allows sharing of misconduct documents with out-of-state districts/state agencies.



# Hypothetical #2

- During a Title IX investigatory interview with a student, the student divulges that the teacher roughly grabbed a student and moved the student to the corner of the room where the teacher then yelled at the student. What are the next steps for the Title IX investigator?
  - (a) Continue with the Title IX investigation until completion;
  - (b) Notify supervisory administrators of the student's disclosure and let them identify next steps;
  - (c) Stop the Title IX investigation and immediately report suspected neglect/abuse to DCF;
  - (d) None of the above.



# Employment of Persons Subject to Certification Action

- CGS §10-222c(e) No local or regional board of education shall enter into a collective bargaining agreement, an employment contract, an agreement for resignation or termination, a severance agreement or any other contract or agreement or take any action that:
  - (1) Has the effect of suppressing information relating to an investigation of a report of suspected abuse or neglect or sexual misconduct by a current or former employee;
  - (2) Affects the ability of the local or regional board of education to report suspected abuse or neglect or sexual misconduct to appropriate authorities; or
  - (3) Requires the local or regional board of education to expunge information about an allegation or a finding of suspected abuse or neglect or sexual misconduct from any documents maintained by the board, unless after investigation such allegation is dismissed or found to be false.
- CGS §10-222c(m)
  - No local/regional BOE shall offer employment to any applicant who had any previous employment contract terminated or who resigned from employment if such person is convicted of violating CGS 17a-101a when abuse/neglect or sexual assault is substantiated.



# ESSA – Prohibition on Aiding & Abetting Sexual Abuse (Sec. 8546)

- A local educational agency that receives Federal funds under this Act shall have . . . policies that prohibit any individual who is a school employee, contractor, or agent, or any State educational agency or local educational agency, from assisting a school employee, contractor, or agent in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual or agency knows, or has probable cause to believe, that such school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law.
- EXCEPTION –
  - Allegations properly reported to a law enforcement agency with jurisdiction over the alleged misconduct; and
  - Properly reported to any other authorities as required by Federal, State, or local law, including Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) and the regulations implementing such title under part 106 of title 34, Code of Federal Regulations, or any succeeding regulations; and
  - The matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law;
  - The school employee, contractor, or agent has been charged with, and acquitted or otherwise exonerated of the alleged misconduct; or
  - The case or investigation remains open and there have been no charges filed against, or indictment of, the school employee, contractor, or agent within 4 years of the date on which the information was reported to a law enforcement agency additional protections to prohibit any individual who is a school employee, contractor, or agent, or any State educational agency or local educational agency, from assisting a school employee who engaged in sexual misconduct regarding a minor or student in violation of the law in obtaining a new job.”.



# Gaps - Notification Regarding Educator Misconduct

- DCF does not automatically share documents across state lines. So, it is incumbent upon CSDE to take action and report to NASDTEC.
  - Districts need to report alleged teacher to student misconduct to DCF.
- DCF does not have statutory authority to notify CSDE of “Failure to Report” reports to State’s Attorney’s office.
  - If convicted, State’s Attorney notifies CSDE (CGS §10-149a)
- CSDE does not get FBI (out of state convictions) background check information. When notified via FBI check, district needs to request copy of out-of-state judgement of conviction from that state’s court and forward to CSDE.
- Important to complete Employment Eligibility check per statute with previous jobs for at least 15 years.



# Thank You!!

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