

**STATE OF CONNECTICUT  
OFFICE OF THE CHILD ADVOCATE  
165 CAPITOL AVENUE, HARTFORD, CONNECTICUT 06106**

**- COMPLAINT INVESTIGATION FINDINGS & RECOMMENDATIONS LETTER-**



**Sarah Healy Eagan, J.D.**  
**Child Advocate**

February 22, 2022

**VIA E-MAIL DELIVERY**

Cynthia Ritchie, Superintendent  
New London Public Schools  
134 Williams Street  
New London CT 06320

**VIA E-MAIL DELIVERY**

Mayor Michael Passero  
Office of the Mayor  
181 State Street  
New London, CT 06320

**RE: OCA Investigation Findings & Recommendations Letter: Systemic Review of Adult Sexual Misconduct in New London Public Schools**

Dear Superintendent Ritchie and Mayor Passero:

The Office of the Child Advocate (“OCA”) is an independent government agency that is statutorily required to “review complaints of persons concerning the actions of any state or municipal agency providing services to children and of any entity that provides services to children through funds provided by the state, make appropriate referrals and investigate those where the Child Advocate determines ... that a systemic issue in the state’s provision of services to children is raised by the complaint.”<sup>1</sup> Concurrently, OCA is required to “[t]ake all possible action including, but not limited to, conducting programs of public education, undertaking legislative advocacy and making proposals for systemic reform and formal legal action, in order to secure and ensure the legal, civil and special rights of children who reside in this state.”<sup>2</sup>

The OCA is issuing this Investigation Findings & Recommendations Letter (“Findings Letter”) to New London Public Schools (the “District”) and Mayor Passero in response to allegations of abuse and neglect of students and alleged failure to report suspected abuse or neglect by various District employees in 2019 and as follow up to Mayor Passero’s request for OCA’s assistance and independent review of these concerns. The OCA acknowledges and appreciates the leadership from the Mayor and his office, as well as the cooperation and commitment to student safety from the Superintendent of

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<sup>1</sup> See Conn. Gen. Stat. § 46a-13/.

<sup>2</sup> Id.

Schools, Cynthia Ritchie. Following the issuance of OCA’s October 4, 2019, status update letter that provided Mayor Passero with the results of our preliminary review and recommendations, OCA’s investigation was paused during the pandemic to shift agency resources to the urgent needs of many Connecticut families. In consideration of the amount of time that has passed since the events that led to this investigation occurred, the OCA is limiting its findings and recommendations to those preliminary issues identified in its October 4, 2019, Letter. OCA is also attaching to this public letter the District’s summary of action steps undertaken to improve mandated reporting and abuse prevention across the District.

**DISTRICT INFORMATION REVIEWED BY OCA**

Pursuant to OCA’s Investigation, the District was asked to produce the following information relating to the issues associated with the allegations of abuse through the issuance of a subpoena:

1. Mandated reporting training, including information regarding quality assurance activities and discipline for failure to participate in training or report concerns of abuse or neglect.
2. Child abuse and neglect prevention activities.
3. Educator sexual misconduct prevention.
4. Title IX compliance activities and complaints by students and staff.
5. Training curriculum for staff and students.
6. Certain employee-specific personnel records, job descriptions, supervisory notes, investigation records, human resource activities.

OCA’s investigation also included examination of DCF school-based investigations conducted over a three-year period in New London, as well as conversations with various stakeholders across the state regarding sexual abuse in schools.

**IN 2017, THE FEDERAL GOVERNMENT ISSUED TECHNICAL ASSISTANCE TO STATES TO ADDRESS ADULT SEXUAL MISCONDUCT (“ASM”) IN SCHOOLS**

In 2014, the United States Government Accountability Office (GAO) issued a report examining state and federal efforts to prevent adult sexual misconduct towards children in schools. The GAO found that many states wanted more guidance from the federal government regarding prevention of ASM in schools, and that most educators were not required to be trained on child sexual abuse or ASM. In 2017, the United States Department of Education (USDE) developed a technical assistance guide for states, designed to “help school officials, teachers, and parents understand the behaviors that are considered ASM and the effects of ASM on children; [and] describe steps that can be taken by school and district administrators to prevent ASM, such as increased scrutiny in hiring practices and widespread training for school personnel.”<sup>3</sup>

The USDE Technical Assistance Guide defines Adult Sexual Misconduct as follows:

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<sup>3</sup> *A Training Guide for Administrators and Educators on Addressing Adult Sexual Misconduct in the School Setting, Washington, D.C., 2017.*

- Any sexual activity (physical or not) directed to a child with the purpose of developing a romantic or sexual relationship... [a]lthough some types of ASM (such as remarks directed to a student) may not be criminal, these actions often violate other laws, regulations, and professional codes of conduct. These ‘gray areas’ can sometimes be subject to interpretation, which underscores the importance of developing clear policies and procedures on ASM in every school district.
- Examples of inappropriate verbal conduct include sexual comments or questions, jokes, taunting, and teasing... Inappropriate physical conduct includes kissing, hair stroking, tickling, and frontal hugging.<sup>4</sup>
- Illegal conduct is characterized as by physical sexual contact between an adult and a child under the age of 18. Specifically, this conduct includes sexual contact, genital contact, groping, fondling, touching, kissing, and sexual hugging. Exhibitionism, or showing one’s genitals in public, as well as showing children images of sexual activity, are often, although not always, illegal. Child pornography, sextortion, and other examples of child exploitation conducted by adults in an online setting are also illegal according to various state and federal laws.<sup>5</sup>

**ASM often begins with what are known as “grooming” behaviors**, which allow an adult to “test their targets’ silence,” as well as test the boundaries and knowledge of other adults around the child.<sup>6</sup> Grooming may involve paying special attention to the child, complimenting them, making the child feel special, spending time in nonsexual ways with the child, all to test the child and prepare them for more overt sexual overtures.<sup>7</sup> Grooming may go on for weeks or even years before illegal conduct takes place.

The Vermont child welfare agency has a website dedicated to grooming awareness and resources, and warns that “grooming usually begins with behaviors that do not even seem inappropriate,” such as telling inappropriate jokes, rubbing a child’s back, or tickling them, and that the adult may try to connect and empathize with a child, telling them they “know how it is to need a friend.”<sup>8</sup> The child is then gradually de-sensitized by the adult to increasingly inappropriate behaviors, through accidental sexual touching, which confuses the child about intimacy and boundaries between adults and children.<sup>9</sup> Compounding the abuse, the adult may prey on the child’s own sense of fear and shame to keep them silent and continue the mistreatment. With older children, adult perpetrators may commiserate with the child, share common interests, allow the child to break rules and other boundaries, give gifts and

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<sup>4</sup> Id. at 4.

<sup>5</sup> Id.

<sup>6</sup> USDE Guide *supra* n. 4 at 8.

<sup>7</sup> Id.

<sup>8</sup> Vermont Agency of Human Services, Department of Children and Families, *The Grooming Process*, found on the web at: <https://dcf.vermont.gov/prevention/stepup/educate/grooming>.

<sup>9</sup> Id.

communicate with the child through social media or other mechanisms outside the eyes of school personnel or parents.<sup>10</sup>

According to experts cited by the U.S. Department of Education, ASM “is detrimental to children’s physical, psychological, and academic well-being, as well as to their behavioral development,” and the U.S. Centers for Disease Control identify child maltreatment generally as a “serious public health concern.”<sup>11</sup> Significant percentages of victimized students have reported that they responded to ASM by avoiding the adult/s, not going to school, not talking in class, or being afraid in school.<sup>12</sup>

**The USDE recommends that training regarding ASM with students be “mandatory for all school personnel who have direct contacts with students.** This ensures that all members of the school community hear the same messages and are knowledgeable about the school’s policy... [Training] should serve as the foundation of Adult Sexual Misconduct prevention and response. Requiring that staff members read a handbook of policies and procedures on Adult Sexual Misconduct prevention will not achieve the intended results.”<sup>13</sup>

### **PREVALENCE OF CHILD SEXUAL ABUSE IN CHILD-SERVING ORGANIZATIONS**

The 2014 GAO Report referenced statistics that nearly 9.6% of students are “victims of sexual abuse by school personnel—such as teachers, principals, coaches, and school bus drivers—sometime during their school career.”<sup>14</sup> (Connecticut does not collect and publish state-specific data on these concerns.) The GAO cautioned that the true prevalence of sexual abuse/maltreatment by school personnel “remains unknown,” because many cases are unreported.<sup>15</sup> In a nationwide survey of 8th to 11th graders conducted in 2004, nearly 7% of students reported having been the recipient of unwanted physical sexual contact from an adult in their school; and nearly 10% of students reported being the victim of educator sexual misconduct without touching, including sharing of pornography, sexual talk, or sexual exhibitionism (Shakeshaft, 2004).

### **CHILDREN WITH DISABILITIES ARE PARTICULARLY VULNERABLE TO PHYSICAL, EMOTIONAL, AND SEXUAL ABUSE.**

Many child-serving organizations, including schools, are not aware that children with disabilities, particularly children with behavioral and mental health support needs and children with intellectual disabilities are at heightened risk of child abuse and neglect.

According to the USDE:

**Children with disabilities are almost three times more likely than their disability-free peers to become Adult Sexual Misconduct targets, and those with intellectual and mental health disabilities appear to be most at risk. This**

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<sup>10</sup> Id.

<sup>11</sup> Id. at 6.

<sup>12</sup> Id. at 7.

<sup>13</sup> U.S.D.E. Guide, *supra* n. 4 at 33 (emphasis in original).

<sup>14</sup> United States Government Accountability Office, *Federal Agencies Can Better Support State Efforts to Prevent and Respond to Sexual Abuse by School Personnel* (2014) at 1, found on the web at: <https://www.gao.gov/assets/670/660375.pdf> (hereinafter GAO Report).

<sup>15</sup> Id. United States Department of Education, Office for Civil Rights “Sexual Harassment, It’s *Not* Academic,” (Sept., 2008) found on the web at <http://www2.ed.gov/about/offices/list/ocr/docs/ocrshpam.pdf>, pg. 4.

**problem is compounded when a disability interferes with a child’s ability to report abuse to an adult.<sup>16</sup>**

It is critical that the State Department of Education and Connecticut school districts’ training curriculum, practices, and protocols are responsive to these serious risks.

**FEDERAL LAW REQUIRES DISTRICTS TO EFFECTIVELY PREVENT AND RESPOND TO SEXUAL DISCRIMINATION, INCLUDING HARASSMENT AND ABUSE**

When a school accepts federal financial assistance, it takes on responsibilities to comply with Title IX of the Education Amendments of 1972 (Title IX), which prohibits discrimination based on sex in education programs and activities in federally funded schools at all levels.<sup>17</sup> Title IX requires school districts to take steps to prevent, identify, and respond to complaints of sexual harassment and discrimination. Districts must have Title IX Coordinators whose contact information is publicly available and who are trained to respond to concerns, whether formally or informally made, about sexual harassment.

The 2020 amendments to Title IX define sexual harassment to include certain types of unwelcome sexual conduct, sexual assault, dating violence, domestic violence, and stalking. Sexual harassment means conduct on the basis of sex that satisfies one or more of the following: (1) An employee of the [school] conditioning the provision of an aid, benefit, or service of the recipient on an individual’s participation in unwelcome sexual conduct; (2) Unwelcome conduct, determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school’s education program or activity; or (3) ‘Sexual assault’ as defined in 20 U.S.C. 1092(f)(6)(A)(v), ‘dating violence’ as defined in 34 U.S.C. 12291(a)(10), ‘domestic violence’ as defined in 34 U.S.C. 12291(a)(8), or ‘stalking’ as defined in 34 U.S.C. 12291(a)(30).<sup>18</sup>

The law provides that “[a]n effective denial of equal access to educational opportunities may include skipping class to avoid a harasser, a decline in a student’s grade point average, or having difficulty concentrating in class. Examples of specific situations that likely constitute effective denial of equal access to educational opportunities also include a third grader who starts bed-wetting or crying at night due to sexual harassment, or a high school wrestler who quits the team but carries on with other school activities following sexual harassment.”<sup>19</sup> The federal Office for Civil Rights specifically advises that “[s]chools may wish to include these and other examples in their internal policies, training, and communications to students and employees to help illustrate this concept,” and that schools provide training to their Title IX personnel to “accurately identify situations that require a response under Title IX.”<sup>20</sup>

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<sup>16</sup> USDE Technical Assistance Guide (2017)

<sup>17</sup> See U.S. Dep’t of Edu., Office for Civil Rights, *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties* (January 19, 2001), <http://www.ed.gov/ocr/docs/shguide.html>. (available in PDF, <http://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf>).

<sup>18</sup> <https://www2.ed.gov/about/offices/list/ocr/docs/202107-qa-titleix.pdf>

<sup>19</sup> Id.

<sup>20</sup> Id.

*Notice of Title IX concerns may come in a variety of forms to school district personnel.* According to OCR, “[t]his means that [school employees] may receive notice through an oral report of sexual harassment by a complainant or anyone else, a written report, through personal observation, through a newspaper article, through an anonymous report, or through various other means.”<sup>21</sup> OCR emphasizes that “a school must respond whenever any school employee has notice of sexual harassment. This includes notice to a teacher, teacher’s aide, bus driver, cafeteria worker, counselor, school resource officer, maintenance staff worker, coach, athletic trainer, or any other school employee.”<sup>22</sup>

Relevant to all school districts is that the law requires that a district respond to allegations of Title IX misconduct even if is not certain that the harassment occurred, underscoring that “actual knowledge refers to notice of conduct that *could* constitute sexual harassment.”<sup>23</sup>

After receiving notice of possible Title IX misconduct, a district must “respond promptly in a manner that is not deliberately indifferent.”<sup>24</sup> According to OCR:

The District’s Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures, regardless of whether a formal complaint is filed, and to explain the process for filing a formal complaint. A school has discretion and flexibility to determine which supportive measures are appropriate. The preamble states that a school must consider each set of unique circumstances” to determine what individualized services would be appropriate based on the “facts and circumstances of that situation. Examples of supportive measures include “counseling, extensions of deadlines or other course related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.”<sup>25</sup>

### **CT LAW REQUIRES SCHOOL DISTRICTS TO EDUCATE STAFF AND STUDENTS ABOUT SEXUAL ABUSE AND ASSAULT PREVENTION**

In accordance with current state law, school district’s sexual abuse and assault awareness and prevention program must include:

- (1) For teachers, instructional modules that may include, but not be limited to, (A) training regarding the prevention and identification of, and response to, child sexual abuse and assault, and (B) resources to further student, teacher and parental awareness regarding child sexual abuse and assault and the prevention of such abuse and assault

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<sup>21</sup> Id.

<sup>22</sup> Id.

<sup>23</sup> Id. (emphasis added.)

<sup>24</sup> Id.

<sup>25</sup> <https://www2.ed.gov/about/offices/list/ocr/docs/202107-qa-titleix.pdf>

- (2) For students, age-appropriate educational materials designed for children in grades kindergarten to twelve, inclusive, regarding child sexual abuse and assault awareness and prevention that may include, but not be limited to, (A) the skills to recognize (i) child sexual abuse and assault, (ii) boundary violations and unwanted forms of touching and contact, and (iii) ways offenders groom or desensitize victims, and (B) strategies to (i) promote disclosure, (ii) reduce self-blame, and (iii) mobilize bystanders; and
- (3) A uniform child sexual abuse and assault response policy and reporting procedure that may include, but not be limited to, (A) actions that child victims of sexual abuse and assault may take to obtain assistance, (B) intervention and counseling options for child victims of sexual abuse and assault, (C) access to educational resources to enable child victims of sexual abuse and assault to succeed in school, and (D) uniform procedures for reporting instances of child sexual abuse and assault to school staff members.<sup>26</sup>

In 2016, SDE published Guidelines to assist school districts with implementation of their sexual abuse and assault awareness and prevention programs.<sup>27</sup> Those Guidelines were a result of partnerships with the Connecticut Department of Public Health, sexual assault crisis centers across Connecticut, Connecticut Association of Public School Superintendents, Connecticut Association of Boards of Education, children's mental health professionals, teachers, The United Way, numerous Connecticut nonprofit children's advocacy organizations, and the University of Connecticut.

The Guidelines were distributed along with a joint memorandum issued by SDE, DCF and the Alliance to all school districts and address the following topic areas:

- **Overview of Sexual Violence:** articulates the rationale for engaging students, parents and schools in the prevention and awareness of sexual abuse and assault, including national and state statistics, definitions, common misconceptions and a brief discussion on primary prevention strategies.
- **Implementation & Teaching Considerations:** provides recommendations for implementing sexual assault and abuse awareness and prevention programs as required by Connecticut General Statutes Sec. 17a-101q.
- **Sexual Assault & Abuse Awareness & Prevention Curriculum Framework:** provides a framework to assist school districts in identifying or writing developmentally- and age-appropriate curricula and other educational materials designed for students in grades kindergarten to 12. (includes: core concepts in sexual mistreatment, grooming, harassment, abuse, assault, and exploitation in all grades beginning in Grade 1).
- **Policy Guidance:** provides policy recommendations for receiving sexual abuse and assault disclosures and reporting procedures.
- **Recommended Resources:** contains national and state resources that may be used for professional development, curriculum and policy development, and programs and services.

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<sup>26</sup> Conn Gen. Stat. § 17a-101q.

<sup>27</sup> *Statewide K-12 Sexual Assault & Abuse Prevention & Awareness Program Guidelines* (2016).

While the Guidelines are important and helpful, OCA notes that they did not expressly address ASM within schools, nor did the Guidelines provide detailed direction to districts regarding the integration of state law and federal Title IX requirements. It will be important to address the need for integrated and comprehensive technical support on these critical topics going forward.

### **STATE LAW REQUIRES MANDATED REPORTING OF SUSPECTED CHILD ABUSE AND NEGLECT**

**“Reasonable Cause to Suspect” child abuse or neglect is the legal standard for mandated reporting.** Federal and state law require mandated reporters—certain categories of individuals whose employment or role in the community involves being around children and families—who have “reasonable cause to suspect or believe” that a child has been abused or neglected to take steps to protect that child from further abuse by reporting his/her concerns to DCF or law enforcement.<sup>28</sup> Such reports must be made “as soon as practicable but not later than twelve hours after 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, by telephone or in person” to DCF or a law enforcement agency. Conn. Gen. Stat. § 17a-101b.

**Mandated reporters are neither required nor expected to conduct his/her own investigation into suspected child abuse.**<sup>29</sup> That long-standing principle has been codified in the child welfare statutes, “a mandated reporter’s suspicion or belief may be based on factors including, but not limited to, observations, allegations, facts or statements by a child, victim, as described in subdivision (2) of subsection (a) of this section, or third party. Such suspicion or belief does not require certainty or probable cause.”<sup>30</sup> Nor do the mandatory reporting laws contain any requirement that the abuser and/or victim be specifically identified at the time the report is made by the reporter.

### **STATE LAW REQUIRES SCHOOL DISTRICTS TO CONDUCT BACKGROUND CHECKS OF PROSPECTIVE EMPLOYEES, INCLUDING CONTACT WITH PREVIOUS EMPLOYERS**

Connecticut law includes requirements for hiring staff employed at child serving educational institutions, including Conn. Gen. Stat. §§10-221d and 10-222c. The provisions in those statutes are intended to protect students from potential abuse by ensuring that child serving educational institutions conduct relevant background checks on certain applicants, including those applicants who would have direct contact with students.

Background checks include state and national criminal history (including any pending charges) and Department of Children and Families Child Abuse and Neglect Registry. Failure to disclose previous criminal history can result in termination. Conn. Gen. Stat. § 10-221d.

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<sup>28</sup> Conn. Gen. Stat. § 17a-90 *et. seq.*

<sup>29</sup> “Nothing in the [child welfare] Statutes requires a mandated reporter to undertake such further investigation. [Conn. Gen. Stat. § 17a-101g(a)] provides that the investigation will be made by the agency receiving the report, not by the reporting [individual].” *Morales v. Kagel*, 58 Conn. App. 776, 781–82 (2000)(concluding that the reporter “did not owe a duty to the plaintiff to investigate the accusations against him prior to making a good faith report [to DCF]”).

<sup>30</sup> Conn. Gen. Stat. § 17a-101a(d). Subsection 17a-101a(d) was added in 2015.

Additional protections are in place for applicants who will have “direct student contact” including having the applicant authorize contact between potential and previous employers and release of relevant records related to employment with such previous employers and the State Department of Education. Applicants are also required to provide certain disclosure of any substantiated allegations of abuse by the Department of Children and Family. Additional disclosures are required for any applicant who resigned or was disciplined, including termination during certain investigatory activities related to child abuse, neglect, or sexual misconduct. Child serving educational institutions are required to review the entire employment history of the applicant. That review includes “[p]rior to offering employment to an applicant, a local or regional board of education, council, operator or supervisory agent shall make a documented good faith effort to contact each current and any former employer that was a local or regional board of education, council, operator or supervisory agent or if such employment otherwise caused the applicant to have contact with children of the applicant in order to obtain information and recommendations which may be relevant to the applicant's fitness for employment, provided such effort shall not be construed to require more than three telephonic requests made on three separate days.” Conn. Gen. Stat. § 10-222c.

**NEW LONDON-CASE SPECIFIC FACTS AND FINDINGS: VIOLATIONS OF STATE LAW REGARDING HIRING PRACTICES, MANDATED REPORTING, AND A FAILURE TO COMPLY WITH FEDERAL TITLE IX REQUIREMENTS**

In 2019, two District employees, Jevon Elmore and Corriche Gaskin, were accused of sexual abuse of students enrolled in the District. Corriche Gaskin was formally charged with multiple crimes, including Sexual Assault 2<sup>nd</sup> Degree; Illegal Sexual Contact; Risk of Injury to Child; Illegal Possession of Child Porn 3<sup>rd</sup> Degree; Voyeurism with Malice; Disseminate Voyeurism Material and Risk of Injury to Child. Jevon Elmore was formally charged with Sexual Assault in the 2<sup>nd</sup> degree. Both employees were New London High School graduates; Gaskin in 2004 and Elmore in 1995.

**JEVON ELMORE**

In September 2018, Jevon Elmore was employed at the District as a substitute paraprofessional and then advanced to a permanent paraprofessional position working with students with disabilities in a contained classroom located at the Bennie Dover Jackson Middle School. Elmore passed the ParaPro Assessment Exam, which is a prerequisite for becoming a school district paraprofessional educator and was also employed as a track coach at New London High School.

In addition to the paraprofessional position, In March of 2019, Elmore applied for several Track coaching positions and sought a Temporary Emergency Coaching Permit from the State Department of Education.

Allegations of Physical Abuse

Only months after Elmore was hired, in January of 2019, there were allegations that he dragged a 12-year-old student with Down Syndrome by the arm in the hallway. He was immediately put on administrative leave and a report was made to DCF. Following a meeting between the District and DCF in which those allegations were reviewed, Elmore was permitted to return to his position on February 26, 2019. **Elmore was cautioned to “exercise extreme care while interacting with students. Continue to utilize the certified staff in the building to support you with challenging**

**situations and difficult student behaviors. In the coming weeks, additional Handle With Care training will be provided to you to further your professional skills.”**

On March 8, 2019, Elmore received a certificate for completing the Handle With Care training. According to the training curriculum developer, Handle with Care Training “is designed to train professionals on safely managing behaviorally challenged children and adults, including those with disruptive, aggressive and self-destructive behaviors. The program teaches staff to develop and use their management and relationship skills to reduce tension and create and maintain a calm and safe environment for all.”<sup>31</sup>

There is no documentation that Mr. Elmore was provided with behavioral support, prevention, or intervention strategies prior to being assigned to work with vulnerable students. The dearth of pre-service training and experience creates a risk of harm for students with disabilities.

### Allegations of Sexual Abuse

In March 2019, allegations were made that Elmore was having sexual relations with a District high school student. The District reported the suspected sexual abuse to DCF and placed Elmore on administrative leave. The alleged victim denied the accusations at the time. There is no documentation that the District notified or involved its Title IX Coordinator consistent with federal regulatory requirements. **Elmore was cautioned however by the District to “exercise extreme caution when interacting with students” and permitted to return to his position.** A staff member told Elmore in March of 2019 to start a new Instagram account and not allow student followers. There is no record that Elmore was provided with training regarding the District’s Title IX policies or any further counseling or training regarding boundaries and protocols for interacting with students.

In May 2019, allegations were again made that Elmore was having sexual relations with students, had previously dated a 16-year-old student that he “trained”, had an Instagram account with student followers and referred to a particular student that he had sex with as “quick hit.” As reported to DCF, a student stated that in the spring/summer of 2018 (a few months prior to Elmore becoming a District employee) she met Elmore in the community, and he offered her personal fitness lessons. The child disclosed to investigators that Elmore was “flirtatious” with her and eventually invited her to his house, where he attempted to engage her in sex. She reported that “she asked Mr. Elmore to stop on several occasions, but he kept telling her that it was okay. [The child] disclosed having intercourse with Mr. Elmore at age 16.”<sup>32</sup> The child reported that she was at Elmore’s house on multiple occasions, and that he continued to engage her on social media, including opening a Snapchat account for her that Fall, after he was a New London District employee. DCF substantiated Elmore for sexual abuse/exploitation of this child and described his conduct as “ongoing sexual abuse.”<sup>33</sup>

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<sup>31</sup> <https://www.cebc4cw.org/program/handle-with-care-behavior-management-system/detailed>

<sup>32</sup> DCF Investigation Protocol, May 2019.

<sup>33</sup> Criminal charges against Mr. Elmore were “nolled” in 2020. Although District officials meeting with OCA stated that Elmore’s misconduct with this student occurred prior to his employment, child protection records indicate that the pattern of Adult Sexual Misconduct, including inappropriate communication, personal engagement and grooming behaviors, continued for several months, including after Elmore was hired by the District.

Another student who was identified as possibly being involved with Mr. Elmore refused to engage in a forensic interview, and DCF did not confirm the allegations as to this student.

The May 2019 allegation of sexual abuse was substantiated by DCF, and Elmore was placed on the Central Registry. Elmore was advised by the District that he was not welcome back to the District for the 2019-2020 school year as “there have been some egregious occurrences not the least of which in taking pics of student in ISS and posting them on social media.” He was terminated by the District on June 13, 2019.

### Mandated Reporting & Title IX Compliance

In March 2019 and May 2019, the District reported the suspected sexual abuse to DCF. However, at least one staff member was allegedly aware of the sexual relationship that Elmore was having with a student prior to the report made to DCF. A middle school teacher was charged with failure to report child abuse as a mandated reporter. According to reports, she was notified of the suspected abuse by Elmore but did not take steps to stop or report it.<sup>34</sup>

As stated above, there were no records (communications, investigatory notes, results of investigation) produced by the District confirming involvement of the Title IX Coordinator or a Title IX investigation into either allegation of sexual abuse or the District’s compliance with Title IX requirements that it address the educational losses suffered by the victim and offer supportive services.

### Hiring Practices

The District provided documentation that it conducted a criminal background check and a DCF Registry check prior to hiring Elmore. There were no records produced by the District to confirm that it reached out to Elmore’s former employer to inquire about his previous employment as required for any prospective employee who will have contact with children.<sup>35</sup>

Although not required by state law, OCA notes that Elmore had no previous work experience with disabled children, which highlights further the need for pre-service and in-service training as well as close supervision and accountability regarding his work with vulnerable students.

### CORRICHE GASKIN

Corriche Gaskin was originally hired by the District in March 2014 as a paraprofessional. On his application he listed two (2) previous employers: a residential treatment facility, as a childcare worker (2004 – 2009) and Hartford Lightning Basketball as a semi-pro player (2010 – current). At the time of his hire, Gaskin signed a statement that he had been convicted of a crime. He admitted to a felony possession of crack cocaine with intent to distribute and said it was a “poor choice.” He provided two references with his application. One reference was from a former NLPS student whose children were coached by Gaskin. The other reference was from a DCF social worker, who claimed to be a friend of Gaskin.

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<sup>34</sup>“*Courant Investigation: New London hired, promoted and allowed employees arrested in sexual assault investigation to work directly with children despite troubled past,*” Emily Brindley, Hartford Court (August 23, 2019). The state decided not to prosecute the teacher and entered a “nolle” in the case against her.

<sup>35</sup> Conn. Gen. Stat. §§ 10-221d & 10-222c.

Once he secured the position of paraprofessional, Gaskin quickly rose through the ranks at the District. In March of 2015, he became the School Suspension Coordinator at Bennie Dover Middle School. He was recommended for the position by Alison Burdick, the (now former) principal of the middle school. In November of 2015, he became the District's Climate Control Specialist. At that time, he was recommended by the Director of Special Services with the District.<sup>36</sup> Gaskin was also appointed by Alison Burdick to the Tuff & Buff Boys Fitness club (2015; 2016) and 21<sup>st</sup> Century Enrichment Program (2017). Gaskin received a stipend for other roles he filled at the District, including Basketball coach (2015; 2016) and Event employee (2018).

On August 30, 2018, Gaskin was reassigned to Harbor Elementary School. The school record does not explain the reason for re-assignment.

### Sexual Abuse Allegations

On March 20, 2019, Gaskin was placed on administrative leave due to a report made to HR alleging that he sexually abused middle school students enrolled in the District, which allegation was reported DCF.

One student alleged that “in 7th grade Mr. Gaskin at Bennie Dover Middle School New London asked her if she wanted to ‘go downstairs’ to a secluded room in the middle school and showed her videos of him and a minor performing sex acts with him along with videos of him and other school staff engaging in sex acts. [The student] stated that she was uncomfortable with the videos. She stated that he also asked her for pictures or to engage in sexual acts with him and threatened to send other girls to beat her up if she did not comply. [The student] denies having complied.”<sup>37</sup>

Investigative efforts by DCF included forensic interviews with two (2) students who made allegations of sexual abuse against Gaskin. One student shared with interviewers that on multiple occasions when she “got into trouble and had to go to Gaskin’s office” he forced her to watch explicit sexual photos and videos on his school issued iPhone, some of which showed him sexually abusing children and having oral sex with adults. Another student asserted that when she was in the 8<sup>th</sup> grade, Gaskin came to her classroom and told her to come to his office, “although she didn’t know the reason why.” He then asked her to perform oral sex, which she did. She also reported that she was told by another student that Gaskin was having sexual relations with her at his home. One of the girls reported that Gaskin called her a “slut,” and threatened her during these encounters. During one of the forensic interviews, one of the students was so emotional about the abuse that she was unable to verbalize her responses to the investigator’s questions and had to hand-write her answers.<sup>38</sup>

DCF substantiated the allegations of abuse against Gaskin, and he was put on the Central Registry. Gaskin was formally charged with multiple crimes, including Sexual Assault 2<sup>nd</sup> Degree; Illegal Sexual Contact; Risk of Injury to Child; Illegal Possession of Child Porn 3<sup>rd</sup> Degree; Voyeurism with Malice; Disseminate Voyeurism Material and Risk of Injury to Child.

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<sup>36</sup> The former Director was put on administrative leave on May 3, 2019. She is no longer a District employee.

<sup>37</sup> DCF investigation records.

<sup>38</sup> DCF substantiated allegation against Gaskin and placed him on the Central Registry for the sexual and emotional abuse of two children.<sup>38</sup>

On May 13, 2019, Gaskin was notified of the District that his employment was terminated due to his failure to appear at a pre-termination hearing.

### Mandated Reporting & Title IX Compliance

The suspected sexual abuse of students by Gaskin was reported to DCF.

However, there were no records (communications, investigatory notes, results of investigation) produced by the District to indicate any involvement of the Title IX Coordinator or a Title IX investigation into the allegations of sexual abuse. While the District recounted its cooperation with New London Police, federal Title IX guidance provides that “[a] law enforcement investigation does not relieve the recipient of its independent Title IX obligation to investigate the conduct. A recipient should not wait for the conclusion of a criminal investigation or criminal proceeding to conduct its own Title IX investigation.”<sup>39</sup> Given districts’ obligation to conduct human resource investigations and sexual harassment/misconduct investigations, they will benefit from clear protocols for coordinating activities where necessary for child welfare or law enforcement priorities. Memoranda of Understanding with local law enforcement and child welfare agencies, as well as effective communication protocols with such agencies, can help clarify and coordinate investigative activities and responsibilities shared by the district with local and state officials.

Regarding the Title IX requirement that the District address the educational losses suffered by the victims and their need for supportive services, the District provided information to OCA that “at the time of the allegations [they convened] a crisis team... The team met with the victim and family and initiated a [federal Rehabilitation Act Section] 504 meeting to address support for trauma. The District, in collaboration with the victim and family, immediately provided counseling and other services.”

### Hiring Practices

It is unclear the extent of the District’s state and national criminal history record check as to Gaskin. Gaskin signed a release for former employers to be contacted and an acknowledgment that applicants must “submit to state and national criminal history records checks.” The District provided an employment “checklist” indicating that fingerprints were “on file.” However there were no records submitted by the District to indicate what checks had been conducted or that Gaskin’s previous employers had been contacted. While Gaskin did disclose to the District his previous conviction, that did not eliminate the requirement for a full state and national criminal history records check or negate the DCF background check.

If at any point during his employment tenure District administrators had contacted Gaskin’s former employers, they may have learned that in 2008 there were allegations that Gaskin was abusing residents at a residential treatment facility for children and being unnecessarily rough with the residents and that the residents were afraid of him. Allegations included that he was inappropriately physical with several residents, brought one of his guns to school and pulled it out around the students and threatened residents that no one would believe them if they reported Gaskin. **Children in the treatment facility did not corroborate the allegations and Gaskin denied the charges, and DCF did not**

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<sup>39</sup> Jan. 6, 2016, Office for Civil Rights Findings Letter re: Central Bucks School District.

**substantiate the allegations.** Gaskin left the residential treatment facility shortly thereafter. OCA is unaware of whether Gaskin was disciplined, terminated, or asked to resign by his former employer.

Gaskin acknowledged his criminal record of possession of crack cocaine with the intent to sell. He was placed on federal supervision in 2011 for three years. According to the New London Day, Gaskin also “faced state charges related to the illegal transfer of firearms... The charges apparently were dropped after the sentencing in the federal case.”<sup>40</sup>

Gaskin did not possess the posted academic background for the position of District climate specialist.<sup>41</sup> Significantly, the position also required “conferencing with 9th grade students in small groups and individually . . . conducts social skills sessions with students after school . . . coordinates Check In Check Out (Tier 2 intervention) . . . tutoring/homework support . . . facilitate communication between home and school, and conduct home visits as needed.” The position required individual interactions with students who have been identified as at-risk for dropping out of school, gang activity, substance use and other risky behaviors.

Gaskin appeared to spend time alone with students who were purportedly in need of additional help from supportive adults, which gave him unsupervised access to vulnerable children. Gaskin’s position permitted him to spend unsupervised and undocumented time with students in which there were no clear mechanisms established to monitor his activities. It is not clear where there was any requirement that Gaskin’s interactions with students be recorded, documented, summarized, and supervised in a systematic way, in part to account for his time and in part to ensure that his interactions with children were appropriate, productive and consistent with the expectations of his employment.

## **SYSTEMS FINDINGS**

### **MANDATED REPORTING & TITLE IX POLICIES & PROCEDURES**

The District’s mandated reporting policy (5141.4), which was approved on March 22, 2012, is comprehensive and consistent with state law. In line with best practices, it also includes a training component and relevant indicators of abuse/neglect, including historical, physical and behavioral indicators. However, OCA’s review of child welfare records pertaining to New London High School and Bennie Dover Middle School over a multi-year period raised concerns about compliance with mandated reporting requirements by educators/school staff. DCF also documented “Program Concerns” during its Gaskin investigation, writing that “It is also troublesome that this investigation uncovered several incidents where staff at [the middle school] who were deemed responsible for children’s safety and wellbeing were engaging in inappropriate activities within the school setting.”<sup>42</sup>

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<sup>40</sup> Hartford Courant.

<sup>41</sup> The School Climate Specialist position required a B.A. degree, which Gaskin did not have.

<sup>42</sup> DCF’s investigation record includes concerns about adults having sexual relations, including filmed relations, on school property. During a meeting with OCA to review draft findings from this report, District leadership indicated a lack of awareness of DCF’s Program Concerns, which are contained in the full investigative report prepared by DCF and submitted to the District at the close of the Gaskin investigation. In follow up, District leadership indicated that they do not always receive a full copy of the completed DCF investigation, inclusive of Program Concerns. DCF’s legal director reported to OCA that it is the practice and policy of DCF to send the completed “investigation protocol” to the Superintendent of schools. OCA will continue to review any concerns related to this issue.

OCA found that the District's Title IX compliance framework was historically deficient in a variety of ways, including a dearth of information and training for staff, youth, and parents regarding grooming and Adult Sexual Misconduct. The District's Title IX policy (4000.1) reviewed by OCA addresses employer/employee interactions but does not address adult-student interactions. The policy does not include any reference to or examples of Adult Sexual Misconduct as recommended by the federal Office for Civil Rights. The policy references a Compliance Officer but does not identify the District's Title IX Coordinator/s.

The District's "Parent/Guardian Handbook" includes a Sexual Harassment/Title IX provision that does address adult/child interactions, provides examples of sexual harassment, and provides information on how to make a misconduct complaint. Though the Handbook mentions "administrators" and a Title IX Coordinator as individuals who can receive concerns, the Handbook does not identify these personnel by name or provide contact information. The Handbook identifies resources outside of the District, including a former State Department of Education Title IX Coordinator, the [now defunct] Permanent Commission on the Status of Women, and the Connecticut Women's Education and Legal Fund. The section of the Parent/Guardian Handbook, which includes the heading "Where Should I Go to Get Help?" does not identify a specific point-person in the District for complaint, support and follow up. A separate "Student Handbook" reviewed by OCA does not include information on Adult/Student sexual harassment or other forms of Adult Sexual Misconduct.

Other documents produced by the District for OCA identified that as of 2019, there was a "District Title IV [sic] coordinator." The District produced a list of Title IX Coordinators at each school.

### **ADULT SEXUAL MISCONDUCT**

The range of behaviors that may be considered Adult Sexual Misconduct (from inappropriate to illegal) underlines the importance of clear policies and procedures that document the responsibilities of specific staff members for preventing ASM or the appearance of ASM. In many cases, behaviors that are considered ASM are subject to interpretation; therefore, these ‘gray areas’ should be clearly spelled out in school and school district policies. Examples of gray areas that might be addressed by schools and school districts include the following:

- Settings for and frequency of after-school interactions with students
- Boundaries to use when traveling out of town for sports or other competitions
- Contact, touching, and hugging
- Appropriate social media interactions

OCA requested information regarding a list of all reports made in the last three (3) years regarding adult harassment of students in the district, and no responsive information beyond Elmore and Gaskin was provided. Multiple reports of suspected abuse/neglect made to the DCF Careline in the last several years contained allegations that should have been reported to a District Title IX Coordinator, but no record of such involvement was produced by the District or referenced in child welfare investigative reports.

The District provided OCA with a listing of policies that were in the queue to be updated, which included “sexual discrimination/harassment of student.”

With respect to Title IX training, the District provided email documentation referencing Title IX trainings and/or presentations. However, the documentation did not clearly outline and describe what Title IX curriculum was used, how often, and who participate/d in the training. No information was provided regarding training for students on Title IX/sexual harassment/grooming behaviors. Most of the information provided to OCA was contained in emails, and the District did not produce a District-level or building-level Title IX report detailing compliance activities, including complaints addressed and prevention/training activities.

For abuse/harassment prevention policies to be meaningful and effective, they must be supported with comprehensive and regular training for administrators, teaching staff/support staff, students and parents and guardians. These trainings must specifically address sexual abuse prevention, grooming, Adult Sexual Misconduct, use of social media/technology/electronic communication, access to the school’s Title IX coordinator and other supportive adults, and the unique needs and risks for children with disabilities.

### **THE DISTRICT’S SEXUAL ABUSE PREVENTION CURRICULUM**

The District produced information about the training curriculum facilitated by Safe Futures, a local domestic violence prevention and social services agency, regarding prevention of child sexual abuse and prevention, and facilitated in schools throughout the District, including middle and elementary schools. The training covers many important topics such as healthy boundaries between students and between staff and students.

### **VULNERABLE POPULATIONS: “AT-RISK” AND DISABLED STUDENTS**

District materials regarding training, harassment policies, and sexual abuse prevention curriculum did not directly speak to the unique needs and vulnerabilities of children with disabilities and other children who are at heightened risk of abuse and neglect, such as children identified with behavioral health needs, and children who identify as LGBTQ. These omissions are particularly relevant in this case review as one of the alleged perpetrators, Corriche Gaskin, *by design of his position*, had one-on-one access to children who he identified as having support needs or otherwise requiring intervention from him. In his role as the undefined “Climate Specialist,” he had unique and unsupervised access to children, including children with mental health and behavioral health support needs. Mr. Gaskin’s lack of qualifications for the position, and ultimately the lack of training and supervision and parameters for appropriate employment conduct, including under what circumstances, and with what documentation Mr. Gaskin could and should be meeting and documenting meetings with children, provided significant opportunity for him to coerce and victimize students.

The American Academy of Pediatrics warned in a 2021 Clinical Report on the Maltreatment of Children with Disabilities, “Children with disabilities are a vulnerable population at increased risk of child abuse and neglect and therefore merit special attention to reduce this risk.”

**Children with disabilities are more likely than their non-disabled peers to experience abuse and neglect. They are more likely to be seriously harmed by child abuse. Children with behavioral health conditions who were maltreated before age 3 were 10 times more likely to be maltreated again ... They are often not fully protected by the systems that were created to protect children from abuse/neglect.<sup>43</sup>**

Certain types of disabilities are associated with different forms of abuse. Children with behavioral difficulties, including some of the children identified by Corriche Gaskin and the school district as children in need of intervention, are at a greater risk for physical abuse. According to the AAP:

**Children with disabilities may be unintentionally conditioned to comply with authority, which could result in them failing to recognize abusive behaviors as maltreatment. Children with disabilities are often perceived as easy targets because their intellectual limitations may prevent them from being able to discern the experience as abuse and their impaired communication abilities may prevent them from disclosing abuse.<sup>44</sup> In addition to physical abuse and neglect, children with disabilities are at an increased risk for being sexually abused. [One research study found that] children with disabilities are at 3 times the risk of sexual abuse compared with typically developing peers. The children with the greatest risk of abuse were children who had special education classroom supports. One-half of these abused children were victimized by peers, and one-half were victimized by school personnel.<sup>45</sup>**

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<sup>43</sup> Source: Prevent Child Abuse America, Virginia Chapter Preventing Sexual Abuse of Children with Disabilities, citing U.S. Dept. of Health & Human Services 2004 study; Sedlick et al, (2010), and Jaudes & Mackey-Bilaver, (2008).

<sup>44</sup> Id.

<sup>45</sup> Id.

The AAP 2021 findings and recommendations included:

**Multiple factors have been found to contribute to this increased rate of sexual abuse in children with disabilities, including the increased number of caregivers that children with disabilities encounter and limited access to information and training on personal safety and sexual abuse prevention. Parents support education on human sexuality but are uncertain of how this topic should be presented to their child with IDs or communicative or motor disabilities.**

**In-service training for CPS and adult protective service workers, law enforcement professionals, health care professionals, child-care providers, early childhood educators, *teachers*, and judges is crucial, and protocols are necessary for the identification, reporting, and referral of all cases of suspected child maltreatment in all schools, programs, and institutional settings.**

Students and staff should receive training and education that specifically address the unique vulnerability of students with disabilities to abuse and neglect. Students with disabilities need to, where able, recognize if they are being victimized by an adult and know how to take steps to protect themselves and report the abuse.

Staff must know to identify, and report concerns on behalf of vulnerable children who are dependent on adults to care for them and who are unable or less able to seek help. Codes of conduct should specifically address the different needs and interactions that certain students with disabilities may have with staff members. Districts should have clear protocols for when an employee/contractor/volunteer may be alone with a student, what must be documented regarding the interaction, and what supervision protocols must be brought to bear. Districts must also pay attention to the physical plant considerations to ensure that individual interactions between adults and vulnerable students are not taking place in isolated, poorly lit, less supervised sections of the building. Districts must take care to balance the need for confidentiality and student privacy, where needed, with the importance of transparency and supervision.

Districts must also pay special attention to the needs of other groups of children at higher risk for maltreatment, including children who are English Language Learners and children who are gay, lesbian, bisexual, or transgender. District policies and methods for reporting must be available to students who are not primarily English speaking, are communication impaired, or who have a heightened distrust of reporting.

## **RECOMMENDATIONS**

The OCA notes that the recommendations provided in this letter should be considered alongside the previous recommendations made in its October 4, 2019, status update letter to Mayor Passero. The OCA also credits the District for the work it has already undertaken consistent with several of the recommendations outlined below. A summary of the District's initiatives, implemented to date, is attached to this Findings Letter.

## **Districts Must Develop Policies and Protocols That Specifically Address Adult Sexual Misconduct in Schools**

The OCA recommends that the State Department of Education, with input from DCF and subject matter experts on abuse prevention, including experts on the prevention of maltreatment for children with disabilities, establish model misconduct prevention policies, accountability measures, and a mechanism for tracking abuse prevalence to ensure effective local school district implementation of child abuse prevention and Title IX compliance frameworks.

- **Working group.** As appropriate and necessary follow up to the issuance of the federal technical assistance to states, SDE should convene a working group to help develop specific guidelines, support, and expectations, inclusive of model protocols and policies, for school districts regarding Adult Sexual Misconduct. The working group should integrate this guidance with SDE's 2016 Sexual Assault and Abuse Prevention and Awareness Program Guidelines. The goal of comprehensive guidance would be to help districts align state and federal law requirements with best practices regarding school climate and social emotional learning.
- **Require Training on Adult Sexual Misconduct.** The state legislature should consider requiring Adult Sexual Misconduct awareness and prevention training as part of the framework for educator pre-certification training and ongoing professional development.

**In constructing a comprehensive sexual abuse prevention toolkit, the SDE and school districts should consider the following:**

- The U.S. Department of Education recommends that school districts create clear, written policies regarding Adult Sexual Misconduct, and that these policies be posted and widely disseminated to parents, district leadership, staff, youth, and volunteers. District codes and protocols must specifically address and define grooming behaviors, both sexual and non-overtly sexual.
- School districts policies should directly address permissible and impermissible relationships between staff and students, including descriptions of educationally appropriate touching, limitations on closed-door, after-hours activities with only one student, leisure time with students, transportation rules and electronic communication.

*Policies must find a balance between “encouraging positive and appropriate interactions and discouraging inappropriate and harmful interactions.”<sup>46</sup> It is important that district policies and trainings recognize need for healthy interactions between adults and students.*

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<sup>46</sup> U.S. Centers for Disease Control, *Preventing Child Sexual Abuse Within Youth-Serving Organizations, Getting Started on Policies and Procedures* (2007) at 9 (CDC Guide). Found on the web at: <https://www.cdc.gov/violenceprevention/pdf/preventingchildsexualabuse-a.pdf>.

- USDE, referencing the National Center for Missing & Exploited Children, has not recommended that districts adopt highly restrictive policies regarding student and staff's use of online technologies in schools, observing that schools “play a critical role in ensuring that students know how to use these valuable tools safely and effectively.”<sup>47</sup> District policies, informed by teachers, administrators, students and parental input, must include cyber security, cyber safety, and personal use guidelines. USDE notes that specific cyber policies, along with training and mentoring, “are particularly important for young teachers, who may have less traditional concepts of privacy and professional boundaries.”<sup>48</sup> A model policy may spell out when messages can be sent to individuals versus groups, how communications with students must be logged, ensuring media availability to superintendent and parents, and how to respond to students that ask for personal support and attention or counseling.
- Noting that everyone “must understand the damage caused by a false complaint,” USDE recommends that district policies and training specifically address the reality of false allegations and misinterpreted conduct, and spell out disclosure, confidentiality and due process rules.<sup>49</sup>
- Additional human resource training may be necessary for school districts that rely on building principals, rather than a Human Resource department, to implement appropriate staff responses and professional development.

### **District Policies and Training Must Specifically Address the Heightened Risk of Victimization for Highly Vulnerable Students**

- Districts should ensure that students with disabilities have meaningful access to all aspects of the district's abuse/harassment prevention system. District policies and practices must specifically address the unique vulnerability of students with disabilities to abuse and neglect, as research shows that such students are at statistically greater risk of maltreatment.
- Districts must also ensure that training and information is available to students with limited English language proficiency and their families.
- District policies must specifically address the risks to gay, lesbian, bisexual, and transgender children. The USDE technical assistance manual for states references “[a] survey of middle school and high school students ages 13 and older ... [which] found that children who are lesbian, gay, bisexual, transgender, or question their sexual identities sometimes hesitate to report ASM, believing that the incidence of

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<sup>47</sup> Id. at 40.

<sup>48</sup> Id. at 41.

<sup>49</sup> Id. at 13.

homophobia among school personnel will prove to be an insurmountable barrier to getting help.”<sup>50</sup>

### **Districts Must Have Rigorous Background Checking/Hiring and Supervision Protocols for Adults who will Interact with Children, Paying Special Attention to Individuals Working with Disabled or Otherwise Vulnerable Students**

- Districts must ensure appropriate referral checks for individuals working directly with students.
- Districts must provide preservice and ongoing training to individuals working with students who have disabilities, whether developmental, psychiatric or behavioral, regarding the provision of research-based individualized supports and services and the risks of maltreatment to people with disabilities.
- Districts must ensure that employment and supervision responsibilities are clear for staff working with disabled or otherwise vulnerable students, and that interactions between adults and students are documented, reviewed, and appropriately supervised and evaluated.
- Districts should consider the use of cameras to record activities in learning environments and transportation vehicles primarily used for children with disabilities, particularly children whose ability to report maltreatment is developmentally impaired.
- Districts should work with community experts and individuals with lived experience to support and audit policies regarding education and protection of students with disabilities.

### **Districts Must Have Multiple Reporting Access Points for Students**

- Students must know where to go and who to talk to if they have a concern about abuse or harassment. Districts should ensure they have *multiple* developmentally appropriate access points for students, depending on age and communication ability, to report questions or problems to district personnel, a district or community-based ombudsperson, or to an outside agency like DCF. Because youth may be more likely to tell a trusted adult in their family or community about a problem at school, community and family members should also be provided information regarding how to report concerns to district personnel, leadership or DCF. *Distribution of a handbook alone will not suffice.*

### **District Trainings Regarding Abuse Prevention/Response and Title IX Must Be Comprehensive, Ongoing, and Offered to All Stakeholders in the School Community, Including Parents and School Board Members**

- USDE recommends that comprehensive training should be provided to help school community members, including contracted providers and volunteers:

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<sup>50</sup> Id. at 10.

1. Recognize appropriate and inappropriate behaviors in their interactions with students;
  2. Identify the early warning signs of ASM effects in children;
  3. Detect the patterns of ASM behavior in adults;
  4. Respond appropriately when an ASM incident is suspected; and
  5. Follow the school’s policies and procedures for reporting ASM, which must be consistent with state laws and general counsel guidance.<sup>51</sup>
- Students, families, and Board of Education members should be offered meaningful training and information regarding the District’s Title IX policies and state-required sexual abuse prevention framework, including the purpose of such policies as well as avenues that students or adults can take to report concerns and receive support. Parents should be provided age-appropriate tips for talking to their children about sexual misconduct as well as tips for online safety, such as *Keeping Kids Safer on the Internet: Tips for Parents and Guardians*.<sup>52</sup> Students should understand common patterns of behavior for adults who are interested in grooming students. Students should be provided meaningful examples and scenarios of concerning conduct and how to report. Gray areas should be specifically addressed in trainings. All students should receive information about online safety.
- Training should be “scenario-based to give participants opportunity to practice responses.”<sup>53</sup> Training should contemplate concerning behaviors by adult outside of school and within the school community. *A 2014 U.S. GAO report found that only 11 states provided training on appropriate and inappropriate behavior by school personnel towards students.*<sup>54</sup>
- Training for educators and school staff should be designed to overcome and address challenges to reporting, such as the cognitive dissonance individuals may experience that prevents them from believing a colleague or other familiar adult may be engaging in sexual misconduct. Trainings should use statistics, current events and actual case examples to address the phenomena of denial.<sup>55</sup> Training must address the biggest barrier of staff not being sure *when* to report. Again, clear and specific codes of conduct, integrated into staff training, can assist with overcoming this barrier.

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<sup>51</sup> USDE Guide, *supra* Note 2, at 29.

<sup>52</sup> Id. at 33. Online safety training available at [www.onguardonline.gov/topics/protect-kids-online](http://www.onguardonline.gov/topics/protect-kids-online).

<sup>53</sup> GAO Report, *supra* Note 4, at 23. The GAO noted that one school district developed an online, interacting training course on preventing adult sexual misconduct with students and that the training will be required for all staff, including bus drivers and cafeteria workers and volunteers. The training includes scenarios depicting questionable interactions between school personnel and students, “gray area behaviors” such as a teacher being alone with a student in a room, and other context-dependent situations. GAO at 24.

<sup>54</sup> Id. at 23.

<sup>55</sup> CDC Guide, *supra* Note 73, at 29.

**Districts Must Ensure A Working Framework for Compliance with State Mandated Reporter Laws (and keeping in up with changes in the law)**

- **Reporting suspected abuse.** Districts must ensure that all employees are trained to understand that it is not the role of the employee to evaluate or investigate an allegation of suspected abuse or neglect, it is only their obligation to report “reasonable suspicion” to law enforcement or DCF. The U.S. Government Accountability Office report observed that one school district created “Identification-sized” cheat sheets for staff to carry as a reminder of the district’s policies on reporting suspected abuse and neglect.<sup>56</sup>
- **Evaluation framework.** Districts must utilize a quality assurance framework that ensures training goals are met, and violations of district policy relevant to mandated reporting are quickly identified and addressed.

We appreciate that the District has undertaken multiple reforms to improve compliance with mandated reporting and Title IX requirements in the wake of these highly publicized sexual abuse incidents. We are including your summary of those activities already undertaken as an addendum to this public letter. We appreciate your cooperation and professionalism throughout the course of OCA’s review. Please do not hesitate to contact me at any time with any questions, concerns, or comments about the subject matter of this communication.

Sincerely,

*Sarah H. Eagan*

Sarah Healy Eagan  
Child Advocate, State of Connecticut

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<sup>56</sup> GAO Report, *supra* Note 4, at 27.