

X.B.

**CONNECTICUT STATE BOARD OF EDUCATION
Hartford**

TO: State Board of Education

FROM: Dr. Dianna R. Wentzell, Commissioner of Education

DATE: April 5, 2017

SUBJECT: Follow-up to Office of the Child Advocate Report Regarding Compliance
With State Laws Regarding Mandated Reporting of Child Abuse and Neglect

As requested by the State Board of Education (Board) at its March 1, 2017, meeting, I have invited Hartford Acting Superintendent Leslie Torres-Rodriguez to attend the Board's April 5th meeting. Dr. Torres will summarize Hartford's *Action Plan in Response to Report of the Child Advocate*, which was approved by the Hartford Board of Education at its February 21, 2017, meeting (copy attached). The report details how the findings contained in the OCA report will be promptly corrected through changes to the district's procedures, practices and culture regarding mandatory reporting of suspected child abuse and neglect. Dr. Torres-Rodriguez will also speak about measures in place to ensure that Hartford will comply with all laws regarding mandated reporting in the future. At the conclusion of her presentation, Dr. Torres-Rodriguez will be available to respond to any questions Board members may have.

We have also invited Sarah Eagan, Child Advocate, to attend this portion of the Board meeting, to answer questions Board members may have regarding Hartford's plan in response to the OCA report and next steps.

Peter Haberlandt, Director of Legal Affairs, and Nancy Pugliese, Chief of the Bureau of Investigations and Professional Practices, also will be present to address any questions Board members may have.

For reference purposes, I have also attached to this memorandum a copy of a recent memorandum I sent to Board members regarding the status of the Department's efforts to address OCA recommendations specific to the SDE.

February 10, 2017

Hartford Public Schools
Dr. Leslie Torres-Rodriguez, Acting Superintendent

Approved by Board of Education on 2/21/17

Action Plan in Response to Report of the Child Advocate

INTRODUCTION:

On behalf of the Hartford Public Schools, I thank the Office of the Child Advocate for its careful review, findings, and recommendations regarding the important obligation that we all have to keep children safe as they attend the Hartford Public Schools. Its Report is gravely concerning and a call to action to teachers, administrators, the Central Office, the Board of Education, and the entire school community.

The Report identifies serious failings in the district's procedures, practices and culture regarding mandatory reporting of suspected child abuse and neglect. These failings anger and disappoint me, and I am committed to correcting these failings promptly. I have prepared the following draft Action Plan to present to the Hartford Board of Education at its next meeting for consideration and action, and I plan to work closely with the Board of Education and the Central Office to address these problems swiftly and decisively.

The overwhelming majority of administrators and teachers in the Hartford Public Schools are dedicated professionals who put the safety of children first. However, we must create the knowledge base, culture and accountability to assure that *all* staff members fulfill their statutory and moral duty to report all allegations to the Department of Children and Families, investigate those allegations promptly, and hold any employee accountable for inappropriate actions, including delay or failure to report concerns.

This effort must involve the entire school community, starting with clear communication of the problems and our commitment to address those problems. To that end, we will promptly schedule a number of community forums to hear parent and community concerns regarding the Report and related issues. Moreover, we will retain an independent monitor to oversee and hold us all accountable for changing our practices and procedures to assure that all students are safe in our schools, with special regard for our most vulnerable students who have special needs.

We will be transparent in these efforts. I will report to the Board of Education on progress in implementing the Action Plan at the regular public meetings of the Board of Education, and we will post the quarterly progress reports of the independent monitor on the district website. We will continue to cooperate with the Office of the Child Advocate, the Department of Children and Families and other partners to solve these problems. Together we can and will assure that all children attending the Hartford Public Schools are safe.

CONCERN # 1: Failure to exercise appropriate diligence in the review of and action on allegations against Eduardo Genao in 2007.

- Failure to take appropriate disciplinary action based on the information known to school district officials in 2007.
- Failure to hold others accountable for their failure to report inappropriate conduct by Mr. Genao.
- Failure to relay all the essential related information about Mr. Genao's conduct to the Superintendent and the Board.
- Failure to consider Mr. Genao's misconduct and discipline in subsequent personnel decisions regarding Mr. Genao.

ACTION STEPS:

- Review handling of allegations against Mr. Genao in 2016 and hold those failing to fulfill their required reporting duties to account.
- Outside review of administrative actions and decision-making regarding allegations against Mr. Genao in 2007, including:
 - Identify mandated reporters who were aware of Mr. Genao's conduct and did not report on such conduct, and hold those responsible to account.
 - Identify responsibility for failures to exercise due diligence in investigating and responding to allegations against Mr. Genao, and hold those responsible to account.
 - Identify responsibility for failure to appropriately document findings concerning Mr. Genao's conduct, and hold those responsible to account.
 - Identify responsibility for providing the Superintendent and the Board of Education with relevant information concerning the findings as to Mr. Genao's conduct, and hold anyone failing to do so to account.

TIMELINE: Immediately retain outside expert and commence review.

CONCERN # 2: Staff failure to comply uniformly with mandatory child abuse and neglect reporting requirements.

- Lack of full understanding of obligations.
- Perceived or real procedural impediments.
- Culture of reluctance to report.

ACTION STEPS:

- Research and obtain outside expertise to develop more comprehensive understanding of “abuse,” including grooming behavior, and of “neglect,” including failure to provide appropriate supervision.
- Define and publicize what conduct between a staff member and a student is prohibited, including contact through social media.
- Publicize disciplinary rules applicable to all staff, including administrators, for (1) engaging in abusive or neglectful behaviors, or (2) failing to report suspicion of abuse or neglect, with clear consequences.
- Establish mechanisms for assuring that appropriate contact with student is not exploited for inappropriate purposes, *e.g.*, require that any text messages to students (as, for example, by a coach about a change in schedule) be simultaneously sent to a district repository.
- Assure compliance with training obligations and refresher course completion for *all* school employees as provided by Conn. Gen. Stat. Section 17a-101i(f), including refresher course completion at least every three years.
- Review and, as necessary, revision of such training to assure that it is effective and that it incorporates current best practices as recommended in the literature.
- Provide monthly reminders at faculty meetings or by email.
- Audit and monitor reports quarterly and follow-up with individual schools.
- Identify and eliminate organizational impediments to assuring that staff members understand and fulfill their responsibilities as mandated reporters.
- Identify and eliminate cultural impediments to assuring that staff members understand and fulfill their responsibilities as mandated reporters.

TIMELINE: Immediately commence inventory of compliance with training requirements and enhanced monitoring of reports; sixty days to develop expertise and establish and publicize new expectations and procedures.

CONCERN #3: Failure to comply with certain legal obligations and best practices related to child abuse and neglect prevention and reporting.

ACTION STEPS:

- Provide support to affected students after a staff member is reported for suspected abuse or neglect to assure safety and emotional well-being.
- Establish a central repository for DCF reports as required by Conn. Gen. Stat. Section 10-220(f).
- Maintain all guidance from the State Department of Education concerning child abuse and neglect reporting in said central repository.
- Continue to implement and monitor the sexual abuse and assault awareness program required by Conn. Gen. Stat. Section 17a-101q.
- Review compliance with statutory duties regarding restraint and seclusion, including compliance with limitations on use of restraint and seclusion and compliance with record-keeping and parental notification requirements.
- Assure compliance with the statutory requirement that all employees receive a copy of the Board's policy on reporting suspected child abuse or neglect each year, as required by Conn. Gen. Stat. Section 17a-101i(e).
- Assure compliance with the statutory requirement that principals certify annually that staff members in their schools have received training in compliance with statutory requirements and related report by the Superintendent of such certifications to the State Department, as required by Conn. Gen. Stat. Section 17a-101i(f)(3).
- Disciplinary action, including termination, for any district employee who fails to comply with these statutory duties.

TIMELINE: Monitor and provide appropriate supports to students who are the subject of or affected by reports of child abuse or neglect or sexual assault. Immediately establish central repository, monitor implementation of the sexual abuse and assault awareness program, review compliance with statutory duties regarding restraint and seclusion, and assure compliance with requirements that all district employees receive a copy of the Board policy on child abuse and neglect, compliance with staff training requirements and related certification. Disciplinary action, up to and including termination of employment for any district employee responsible for failure to comply with legal requirements related to child abuse and neglect reporting, training and documentation.

CONCERN # 4: Failure to hold some staff members accountable for inappropriate

conduct, whether or not abuse is substantiated.

- Potential failure to differentiate between lack of substantiation (or reversal of substantiation) and expectations and accountability for inappropriate behavior.
- Failure to provide training and/or monitoring when a staff member engages in misconduct that does not result in termination.

ACTION STEPS:

- Outside review of organizational structure to identify and, where necessary, change structure to assure compliance with child abuse and neglect reporting requirements, including training and appropriate documentation.
- Outside review of the district's human resources function and decision-making regarding staff accused of abuse or neglect.
- Review protocols for coordinating internal investigations with DCF and police investigations in accordance with Conn. Gen. Stat. Section 10-221s.
- Retrain administrators, as necessary, on standards of acceptable conduct and the difference between substantiation and acceptable professional conduct.
- Follow through with disciplinary action for any deviations from reporting and training requirement, including termination, retraining and monitoring.
- Dissemination to all staff members of the Code of Professional Responsibility for Teachers and the Code of Professional Responsibility for Administrators.

TIMELINE: Immediately disseminate Codes of Professional Responsibility and enlist outside assistance to conduct reviews; retrain and monitor staff members following reports as necessary based on results of review.

CONCERN # 5: Special vulnerability of children with disabilities to possible abuse or neglect.

ACTION STEPS:

- With the advice and assistance of outside experts, identify and remedy programmatic deficiencies that contribute to injuries, including deficient training or inadequate personnel or inadequate supervision.
- Work on an ongoing basis with community partners to obtain technical assistance to provide support to children who have experienced trauma and children with special needs.
- Require that the supervising special education administrators review all child abuse reports that involve children with disabilities, identify any failure to comply with child abuse reporting requirements, and take appropriate disciplinary action if such failures are identified.
- Require that the supervising special education administrators review all reports of restraint and seclusion to assure statutory compliance, to monitor frequency and quality, and to identify any need for further training and/or disciplinary action.
- Superintendent review, including legal counsel, on a quarterly basis of all such reports, as well as of any program concern letters from DCF, to identify possible systemic problems and to take appropriate remedial action.
- To assure transparency, review all such reports and program concern letters on a semi-annual basis with outside agency (*e.g.*, the Office of the Child Advocate, the State Department of Education, the Department of Children and Families, the Office of Protection and Advocacy for Disabled Persons or successor agency) to identify possible systemic problems and to take appropriate remedial action.
- Require that reports concerning suspected abuse or neglect of students aged 18 through 21 be made (1) to DCF, (2) internally in accordance with the new procedure described below, (3) to the Office of Protection and Advocacy (or successor agency), and (4) where appropriate, law enforcement.

TIMELINE: Immediately commence special education administrator review of all child abuse and neglect reports involving children with disabilities; quarterly and semi-annual review of such reports and related action as described above, adopt and promulgate new procedures for reporting abuse or neglect of students aged 18 through 21 within thirty days.

CONCERN # 6: Failure to comply with legal obligation to update and disseminate Board policy on reporting suspected child abuse and neglect.

ACTION STEPS:

- The Board Policy Committee will review current policy on reporting suspected child abuse and neglect with legal counsel to assure statutory compliance.
- The Board Policy Committee will augment the current policy on reporting suspected child abuse and neglect to add reporting requirements concerning suspected abuse of students aged 18 through 21.
- In consultation with the Superintendent, the Board will establish a procedure for annually monitoring legislative changes and promptly updating Board policies to conform to such legislative changes.
- In its oversight role, the Board will monitor compliance with statutory duty to distribute annually the Board policy on reporting suspected child abuse and neglect to all employees, as required by Conn. Gen. Stat. Section 17a-101i(e).
- In its oversight role, the Board will monitor compliance with the requirement that all employees have completed the training and refresher training programs, as required by Conn. Gen. Stat. Section 17a-101(c).
- The Superintendent will inventory activities of the Central Harassment Prevention Team and report to the Board Policy Committee on a quarterly basis to assist the Board in fulfilling its oversight role.

TIMELINE: The Board Policy Committee shall convene within thirty days to review and revise the current Board policy and to work with Superintendent to establish procedures for monitoring legislative changes, for amending policies to comply with legislative changes, and for monitoring statutory compliance with policy distribution and staff training requirements. Administration shall immediately inventory activities of the Central Harassment Prevention Team over the last twelve months, if any, and report to the Board Policy Committee within thirty days and thereafter on a quarterly basis.

CONCERN # 7: Inadequate understanding and potential non-compliance with Title IX obligations by teachers and administrators.

ACTION STEPS:

- Train administrators on Title IX obligations, as necessary, including retention of outside experts to provide high-level training.
- Charge the Central Harassment Prevention Team with responsibility for reviewing all school-based harassment investigation reports to identify systemic problems and recommend solutions.
- Establish a schedule for required reports from the Central Harassment Prevention Team to the Superintendent and the Board of Education.
- Assure that non-discrimination policies are widely disseminated.
- Review and revision of Board policies and administrative documents, including staff and student handbooks to assure legal compliance and consistency in defining harassment and establishing grievance/complaint procedures.
- Include training of teachers on Title IX obligations in the Hartford Public Schools Professional Development Plan.

TIMELINE: Initial training of administrators on Title IX was held on January 10. Immediately review dissemination of non-discrimination statement. Review and revise all student and staff handbooks by the beginning of the 2017-2018 school year to describe district Title IX obligations, including publication of Title IX notices (name(s) and contact information for the Title IX Coordinator and description of process for filing a grievance concerning Title IX obligations). Include Title IX training in the teacher Professional Development Plan commencing with the 2017-2018 school year.

CONCERN # 8: The Hartford Public Schools may currently lack the internal capacity to implement and monitor this action plan.

- History of inability to meet these legal obligations.
- A culture that has inhibited mandated reporting.
- A lack of expertise as to identifying abuse and understanding of Title IX obligations.
- A lack of internal resources to attend to and monitor compliance with statutory obligations.

ACTION STEPS:

- Reach out to appropriate state and federal agencies for technical assistance and monitoring:
 - State Department of Education
 - Department of Children and Families
 - Office of the Child Advocate
 - Office of Protection and Advocacy for Persons with Disabilities
 - Office of Civil Rights of the United States Department of Education
- Confer with outside experts including the Office of the Child Advocate to establish a framework and expectations for an independent monitor (or monitors), including a process for establishing criteria and benchmarks for measuring successful implementation of this Action Plan.
- Appoint an independent monitor(s) in accordance with such framework and expectations to oversee progress in implementing this Action Plan, who will provide periodic public progress reports to the Board of Education, the State Department of Education and the Department of Children and Families.
- Assess function and effectiveness of monitor(s) after one year.

TIMELINE: Immediately reach out to appropriate state and federal agencies for technical assistance in establishing a framework and expectations for the independent monitor(s), and appoint the monitor(s) within thirty (30) days.

CONCERN # 9: The Hartford Public Schools must prioritize family engagement and community partnership to assure transparency and accountability.

- Family engagement and community partnerships are important keys to ensuring student safety.

ACTION STEPS:

- The Acting Superintendent will distribute a letter to all families regarding the Report and the draft Action Plan providing information about how to access more information and share concerns through a special information resource line and email (Note: if callers are reporting suspected child abuse or neglect or sexual assault, they will be directed to the DCF Care Line).
- The Acting Superintendent will direct Principals to convene emergency staff meetings to discuss and develop plans to support students and families and ensure every student is and feels safe.
- The Acting Superintendent will bring this draft Action Plan to the Board of Education for input, adoption and endorsement at its next meeting.
- The Board and the Acting Superintendent will promptly schedule a number of community forums to hear parent and community concerns regarding the Report and related issues.
- The Acting Superintendent will report on progress in implementing the Action Plan at regular public meetings of the Board of Education.
- The Board of Education will post the progress reports of the independent monitor(s) on the district website.
- The Board of Education and the Acting Superintendent will establish protocols for sharing of information with families when reports are made to DCF and when investigations of such reports are completed.
- The Acting Superintendent will work with experts and community partners to develop and implement informational and educational programs for parents/families and students regarding suspected child abuse and neglect and suspected sexual abuse.
- The Hartford Public Schools will create a communications plan and follow-up to provide updates and engage families and the community during the implementation of the draft Action Plan.

TIMELINE: Information will be shared with families, community forums will be scheduled, and the special information resource line will be established immediately. Protocols for sharing information with families concerning the filing and disposition of DCF reports will be established within sixty days. Public reporting on the work of the independent monitor(s) shall be ongoing.

CONNECTICUT STATE BOARD OF EDUCATION
Hartford

TO: State Board of Education

FROM: Dr. Dianna R. Wentzell, Commissioner of Education

DATE: March 30, 2017

SUBJECT: Follow-up to Office of Child Advocate's Investigation re Hartford Public Schools

Introduction

At its meeting on March 1, 2017, the State Board of Education discussed the grave findings of the Office of the Child Advocate (OCA) concerning numerous and egregious failures by educators in the Hartford Public Schools (HPS) to make mandatory reports of suspected child abuse or neglect to the Department of Children and Families (DCF). As a result of OCA's findings and recommendations, which are detailed in its *Investigative Report Regarding Compliance of Hartford Public Schools with State Laws Regarding Mandated Reporting of Child Abuse and Neglect*, key SDE staff involved in educator licensure enforcement provided the State Board with an overview of mandatory reporting under Connecticut law, the SDE's role in DCF investigations relating to educators and SDE's anticipated next steps as it moves forward in collaboration with DCF and OCA on these and related critical issues concerning child safety and educator professional responsibility.

During discussion of these issues at the March 1, 2017, meeting, the Board requested a brief follow-up report from SDE addressing OCA's recommendations involving SDE activities. This is the requested follow-up report.

History/Background

OCA is a state agency within the Office of Governmental Accountability that is charged under C.G.S. § 46a-13l with reviewing and reporting on agencies and other entities that provide services to children using state funds. OCA's recent investigation concerning HPS, which was requested by the Mayor of Hartford, found numerous instances of failures by HPS employees to make mandatory reports to DCF concerning suspected abuse or neglect of children attending HPS schools. OCA also discovered that many of the cases of failure to report involved extremely troubling conduct by school employees, including cases of improper use of restraint and seclusion, risking or causing injury to children. The OCA investigation further considered whether students with special needs were appropriately being protected by HPS employees.

As discussed in the March 1st Board meeting, the State Board's enforcement authority in this area concerns educator licensure. Under current practice as established by the governing regulations, where a hearing officer has found, after an administrative hearing, that an educator engaged in misconduct sufficient to require or support revocation of the educator's certificate(s)

under the governing statute, the State Board has the authority to revoke the certificates. The SDE's role is to investigate reports of alleged educator misconduct and, where appropriate based on the evidence and the law, commence and prosecute revocation cases. Where a hearing officer renders a proposed decision concerning revocation, the State Board is the final adjudicator.

The SDE's Bureau of Investigations and Professional Practices receives reports concerning certified educators from DCF and other sources, investigates matters involving alleged educator misconduct and works with the legal team to initiate and prosecute revocation cases. Although there are various types of misconduct that can be a basis for a license revocation – and one category for which commencing a revocation proceeding is *required* by statute (misconduct in relation to student testing) – SDE's highest priority in its educator licensure work is matters involving child safety. In this regard, it is important to note that if an educator is convicted of various criminal offenses (including offenses relating to mistreatment of children), the educator's certificate is *automatically* revoked by law. In these cases, SDE works closely with law enforcement and if a conviction of a qualifying offense does not occur, SDE can move forward with a revocation prosecution.

Critically, as noted in the March 1st Board meeting, while an educator's failure to make a mandatory report could be a basis for revocation, SDE needs to be informed about a failure to report in order to investigate and determine appropriate action. DCF does not currently provide SDE with notification that an educator has failed to make a mandatory report, but DCF is in the process of developing a data system that will enable it to notify SDE in the future.

SDE has recently met separately with both OCA and DCF to discuss our mutual efforts to move forward productively in collaboration and with urgency on the issues addressed in OCA's investigation. The discussion thus far has focused on: ensuring that we understand the recommendations included in OCA's report; ensuring that SDE is receiving all reports from DCF involving certified school employees; learning from DCF about its efforts to share information concerning failure to report; identifying next steps that can be implemented now; and designing a process for determining the feasibility and efficacy of various proposals under consideration. Both meetings were productive and discussions are continuing.

OCA Recommendations Involving SDE

While the OCA report primarily focused on findings and recommendations concerning HPS, the report also includes certain recommendations involving SDE. As set forth below, SDE is actively considering each of these recommendations and, informed by its ongoing discussions with DCF and OCA, has determined status and next steps with respect to the recommendations.

- 1. SDE should have mechanisms in place to monitor repeated failure and or delay in reporting in school districts and make such information publically available.**

Status and Next Steps:

- a. C.G.S. § 17a-101o requires DCF to track non-reports of alleged abuse/neglect. As noted, DCF is developing a data system to accomplish this and has indicated that it will notify SDE of instances of failure to report by educators. SDE will remain in regular communication with DCF concerning its progress on this issue.

- b. Receiving these notifications from DCF will enable SDE to pursue licensure action against certified educators, as appropriate, in cases of failure to report to DCF.
 - c. SDE will work with DCF to determine the agencies' capacity to track and report aggregate district level data regarding repeated failure or delay in reporting, and what additional resources, if any, would be needed to implement this data reporting.
 - d. SDE will work with DCF and OCA to explore potential legislation specifically addressing information sharing and data reporting in regard to failures to report.
- 2. SDE and DCF must ensure that they are conducting annual reviews with DCF of “all records and information relating to reports and investigations that a child has been abused and neglected by a school employee” in accordance with state law.**

Status and Next Steps:

- a. When a DCF investigation concerns a certificated educator, the law requires DCF to notify SDE (as well as the employing district) at the start of the investigation and provide its report after concluding the investigation. Under the statute quoted in the recommendation above, C.G.S. § 17a-103e, DCF is required to annually review with SDE all records and information relating to educator misconduct in DCF's possession to ensure that it is providing notice to SDE in all cases involving educators.
 - b. Currently, SDE communicates with DCF regularly concerning information sharing and to ensure that it is receiving reports concerning certified educators. This collaboration has identified instances where SDE did not timely receive reports from DCF. DCF has concluded that this is likely attributable to the fact that it does not currently have a single centralized log of all educator reports, and instead relies on its regional offices to notify SDE. DCF is working to develop a centralized data system.
 - c. SDE has provided, and will continue to provide, input to DCF on the development of its new data system, which will allow the production of a report regarding all DCF investigations concerning alleged abuse or neglect involving a certified educator.
- 3. SDE should receive not only DCF findings of abuse and neglect, but also DCF programmatic concerns, and districts should be required to submit responses and/or corrective action plans to both the SDE and DCF. SDE and DCF should jointly set criteria for the notification and response to DCF programmatic concerns, and state statute should expressly authorize DCF to make such findings. Where program concerns implicate a district's compliance with state or federal laws applicable to schools, or the safety of children in the program, the SDE and DCF, where appropriate and necessary, should take steps to provide monitoring of a district's corrective action plan.**

Status and Next Steps:

- a. SDE has learned from OCA’s report and discussions with DCF and OCA that, as result of an abuse or neglect investigation concerning school employees, DCF may send a notice or letter to the district identifying certain “programmatic concerns.” These notices to districts are not currently sent to SDE.
- b. Given that the purpose of identifying programmatic concerns resulting from a DCF investigation is to prompt corrective action by the district, SDE agrees with OCA that this authority should be established and appropriately defined in statute.
- c. With respect to monitoring, accountability and enforcement in relation to a school district’s corrective actions to address programmatic concerns identified by DCF, the responsible agency – whether SDE or DCF or both – must have the authority and capacity to conduct these activities.
- d. SDE will work with DCF, OCA and stakeholders to understand the nature of the programmatic concerns typically identified by DCF in order for the agencies to identify which types of concerns are addressed by existing SDE or DCF authority, and which concerns would require creation of new authority by statute.
- e. Similarly, SDE will work to determine the capacity, in terms of staff and resources, that it would need to properly conduct monitoring and enforcement relating to DCF-identified programmatic concerns.
- f. SDE will work with DCF to ensure that SDE receives “programmatic concerns” notices so that it can make use of any existing authority it has in the relevant area(s) of concern and provide technical assistance to the district as appropriate.
- g. SDE will work with OCA on the implementation of a stakeholder group including appropriate state agencies, district personnel and other organizations to discuss OCA’s recommendations and appropriate follow-up, including with regard to programmatic concerns, reasons for non-reporting and effective solutions.
- h. SDE, through the Bureau of Investigations and Professional Practices, will provide professional learning opportunities for teacher and administrator preparation candidates regarding mandatory reporting and educator ethics.

4. OCA’s recommendations concerning restraint, seclusion and student injuries:

- **SDE should require the districts to attest monthly regarding the reliability of their compliance framework and accuracy of data related to restraint, seclusion and injury to students that is submitted to SDE.**
- **The SDE should monitor the HPS’ compliance with these state law requirements regarding restraint, seclusion and student injury over time.**

Status and Next Steps:

- a. The discussions that the SDE has had with OCA and DCF since the issuance of the OCA report have focused primarily on matters relating to educator licensure and compliance with mandatory reporting laws. We look forward to discussions with those entities and school districts concerning the restraint, seclusion and student injury issues identified in the OCA report and OCA's recommendations.
- b. It is critical to ensure that state laws regarding restraint, seclusion and student injury are followed, and that all instances of restraint and seclusion are reported to the SDE in accordance with the law. HPS and all school districts must focus on ensuring that all actual instances of restraint, seclusion and student injury are properly reported at the individual school level. The accuracy of restraint and seclusion data at the state level depends on complete and accurate reporting by schools. It may be advisable for this subject to be included in the broader stakeholder discussion under consideration by SDE and OCA, as noted above. In addition, SDE can provide technical assistance and guidance to districts on this issue.
- c. SDE will work with OCA and districts to consider feasible and effective ways of ensuring the reliability of school districts' compliance framework and data in regard to restraint, seclusion and student injuries.
- d. In reviewing the HPS *Action Plan in Response to Report of the Child Advocate* ("HPS Action Plan"), SDE was heartened that the District plans to rely heavily on external expertise and analysis concerning the issues raised in the OCA report. In particular, HPS indicated its intent to "[a]ppoint an independent monitor . . . to oversee progress in implementing this Action Plan, who will provide periodic public progress reports to the Board of Education, the [SDE] and [DCF]." HPS Action Plan, p. 9.
- e. The SDE will engage HPS in discussion concerning SDE's thoughts and recommendations for the independent monitor's role and authority. For example, the independent monitor could be empowered to educate and assist the District regarding restraint and seclusion laws and ensure that proper reporting occurs at the individual school, school district and state levels, as well as ensuring compliance with Connecticut special education and IDEA regulations.
- f. Further, the independent monitor could work as a liaison between the district and SDE to ensure proper compliance with all related special education State and Federal regulations, as well as regarding the training of staff, ensuring that policies, practices and procedures are properly written and implemented, and that data are properly submitted to the SDE as required.

Prepared by: Nancy L. Pugliese, Chief
Bureau of Investigations and Professional Practices

Matthew Venhorst, Attorney
Office of Legal and Governmental Affairs

Approved by: Peter Haberlandt, Director
Office of Legal and Governmental Affairs